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Received of Benj. Emmons Jenny Clerk of the county Court of Cooper County 1 Copy of the Militia laws of the State of Missouri this 15th day of February 1838,

Joseph A. Potter A.D.C.

Myerstown

State of Missouri. At a Supreme Court begun and held for the first Judicial District of the State of Missouri at the town of Franklin in the County of Howard on the first Monday of March in the year of our Lord One thousand eight hundred and twenty one and of the forty fifth year of the Independence of the United States of America. Whereupon a Quorum of the Judges not appearing, the Court is adjourned by the Clerk until tomorrow morning 10 O'Clock. At which day were present. The Honorable Matthias McGirk, John D. Coalter & John R. Jones. } Judges of said Court. Nicholas S. Burckhartt Sheriff. Gray Bynum Clerk.

Whereupon the Court was opened by proclamation of the Sheriff.

James Kirkman
vs
Amos Garner. } In Error

Mat McGirk absent having been counsel in this cause in the Court below.

This day comes the defendant by his attorney and enters his appearance to this writ in this cause. Suggests the diminution of record and prays a certiorari to the Circuit Court of the County of Howard which is granted returnable here on the first day of the next term. On application of the plaintiff in error it is ordered that the writ in this case be made a Supersedeas.

Alexander B. Lane Esquire presented a License signed by Matthias McGirk & John D. Coalter two of the Judges of this Court permitting him to practice Law in the several Courts of Record of this State which and Certificate of qualifications endorsed thereon are ordered to be recorded accordingly.

The Court then adjourned until court in Course.

State of Delaware. Be it remembered that on the
first Tuesday of the State of Delaware ~~[illegible]~~
and the term of three terms in the County of New Castle
first Monday of September in the year of our Lord
Eighteen hundred and twenty one, and in the forty sixth
year of the Independence of the United States of America
Were Present The Honorable Nathaniel Mc. Call Esq
Chief Justice
Esquires Clerks
Esquires Sheriff
The following rules were ordered to be recorded

Viz.

Rules for the Supreme Court

1st The eldest Judge in Commission present of the
Supreme Court and in his absence the next eldest in Com-
mission shall preside for the time being.

2d When the Judges shall differ upon questions the Plaintiff
pings shall be nonsuited first and so on in order.

3d The President shall superintend matters of order in the
Court House.

4th When writs of Error issue it shall be the defendant
in Error to see their citation at the same time and
shall be returnable at the same time the writ issues
is returnable.

5th On the return of a writ of Error and citation, Security
Bond shall be required within three months after
the Error - Another in Error shall be filed within three days
thereafter if the case should [illegible] and if not then
on the expiration of the term - Whereupon the cause shall
be docketed to the succeeding and there shall be judgment
accordingly, unless the Court by consent of the parties
direct [illegible]

6th In case of affidavit Error made the original record
of Error shall be corrected and proceedings
to Error on affidavit made shall be had accordingly - And
no Error on affidavit shall be given in evidence
the Court give their reasons

7th. At such time as there is a joinder in Error each party shall furnish to each Judge a Statement of the case and the grounds he relies on.

8th. All proceedings shall be in writing signed by counsel and filed of record.

9th. The Court may by leave of the Court set their causes for argument on any given day - or the Court may set a cause for argument - and when a cause is called or set for hearing by the Clerk by the parties aforesaid or by the Court if either or both parties do not proceed as the argument the Court will take the cause to be determined and proceed accordingly.

10th. Each Attorney employed in a cause shall endorse his name to the cause - Otherwise he shall not be heard on the argument of the same.

11th. Whenever any alteration is necessary in an Entry of the Clerk a memorandum thereof shall be made in the Margin and signed by the Justice present.)

12th. At the end of each Term and immediately preceding the adjournment of the Court - the Court shall make a Memorandum in the Book of Judgments and Proceedings which Memorandum shall state the number of days during the Proceedings of that Term and shall state the number of the days of the Term before the same ends. The Court shall also cause two Copies of these Rules to the Clerk of the said District and one to the Clerk of the Second, and one to the Clerk of the Fourth District.

13th. The Clerk of the Supreme Court on the first day of each Term shall write a Letter to each Judge in Term time Stating the Causes in which Errors or Assignments of Errors at the preceding Term in which may have been filed in his office ten days before the Term.

14th. The Statement of Facts related in to be furnished to each Judge shall be delivered on the first day of each Term.

Given Copies from the Records
of Judicial Orders
this 6th day of March

The Court then adjourned until tomorrow Morning 9 Oclock

Thursday September 6th 1821

The Court met pursuant to adjournment

Present

Hon. Nicholas Ware
Charles Fenwick
Thos Vickers

Esqrs.

The following Jurors Viz. Benjn Lee Senr. Benjn Lee Junr. Benjn Lee 3rd Thos Lee Senr. Thos Lee Junr. Thos Lee 3rd Thos Lee 4th Thos Lee 5th Thos Lee 6th Thos Lee 7th Thos Lee 8th Thos Lee 9th Thos Lee 10th Thos Lee 11th Thos Lee 12th Thos Lee 13th Thos Lee 14th Thos Lee 15th Thos Lee 16th Thos Lee 17th Thos Lee 18th Thos Lee 19th Thos Lee 20th Thos Lee 21st Thos Lee 22nd Thos Lee 23rd Thos Lee 24th Thos Lee 25th Thos Lee 26th Thos Lee 27th Thos Lee 28th Thos Lee 29th Thos Lee 30th Thos Lee 31st Thos Lee 32nd Thos Lee 33rd Thos Lee 34th Thos Lee 35th Thos Lee 36th Thos Lee 37th Thos Lee 38th Thos Lee 39th Thos Lee 40th Thos Lee 41st Thos Lee 42nd Thos Lee 43rd Thos Lee 44th Thos Lee 45th Thos Lee 46th Thos Lee 47th Thos Lee 48th Thos Lee 49th Thos Lee 50th Thos Lee 51st Thos Lee 52nd Thos Lee 53rd Thos Lee 54th Thos Lee 55th Thos Lee 56th Thos Lee 57th Thos Lee 58th Thos Lee 59th Thos Lee 60th Thos Lee 61st Thos Lee 62nd Thos Lee 63rd Thos Lee 64th Thos Lee 65th Thos Lee 66th Thos Lee 67th Thos Lee 68th Thos Lee 69th Thos Lee 70th Thos Lee 71st Thos Lee 72nd Thos Lee 73rd Thos Lee 74th 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Thursday 5th
June 1862

William Ottleton Jr. etc this day came the above Plaintiff
Hon and Solon Bell by their attorney and file their pe-
tition with affidavit praying the Grant of a Mandamus
of Mandamus to the Circuit Court of the County of
Howard commanding it the circumstances of the
the confession in their petition made by William Ottleton
Ottleton before the Clerk of the said Circuit Court
as of the last Term Recording the date of said
petition and affidavit which is ordered the writ of Mandamus issue to the said Circuit
Court commanding the said Court to take and
on the said confession of the said William H. Ottleton as of
the last of the said Court Term Recording the date of
the said confession or that the said Circuit Court show to
the Court at the said term reasons thereof the cause why it
shall done

Vernon M. Watts.

vs

Lebbeus M. Boggs. } this day came the said Vernon M.
Watts by their attorney and file their petition with affi-
davit praying the Court to award a writ of Mandamus
to the Circuit Court of the County of Howard commanding it
to render a Judgment on the confession in this cause made
by the said Lebbeus M. Boggs before the Clerk of the said
Circuit Court as of the last Term Recording the date of said
Judgment and on consideration of said petition and affidavit
it is ordered the writ of Mandamus issue to the said Circuit
Court commanding the said Court to take and enter a Judgment
on the said confession of the said William H. Ottleton as of
the last of the said Court Term Recording the date of
the said confession or that the said Circuit Court show to
the Court at the said term reasons thereof the cause why it
shall done

Samuel Bailey)
vs) In Chancery.
Elias Pancoast) This day came the parties aforesaid

attorneys Whereupon on the argument of the Error
Court the Court take under the Said Case to consider-
what Judgment to pronounce

Stephen Tate
by
Elias Barnes } Ok rehearsal

This day came the parties aforesaid
by their attorneys Whereupon on the argument of the error
therein the Court take under their consideration to pronounce
Judgment.

The proceedings of this term commence at Page 2. and end at
Page 6.

M. Gill, Clerk pro tempore

The Court then adjourned until next term in course.

State of Missouri. At a Supreme Court begun and holden for
the first Judicial District of the State of Missouri at the
town of Franklin in the County of Howard on the second
Monday of April in the year of our Lord one thousand
eight hundred and twenty two, and in the forty sixth year
of the Independence of the United States of America.
Were present The Hon. Mathias McGirk
John D. Coalter } Judges.
John Rice Jones

Gray Bynum clerk.

The following rules were read and ordered to be Record-
ed. Viz.

General Rule.

In all cases where the Sci-fa is returned not executed and
the defendant in error shall enter a voluntary appearance on the
first day of the term to which the Sci fa is returnable, the plaintiff
in error shall assign his errors within the three first days of such
term, and when the defendant in error shall appear after the first
day of such term he shall give notice of such appearance to
the plaintiff in error or his attorney on record who shall assign
his errors within three days after such notice given.

That all writs of error in which a sci fa shall be returned
executed or the defendant or defendants shall enter a voluntary

appearance on the first day of the Term to which such writ is returnable, shall be argued at such time, unless for cause shown the Court shall grant a continuance to either party.

Samuel Turley apt.
vs
Elias Bancroft apt. } On appeal

This cause is continued by consent until the next term of this court.

William Corn apt.
vs
Charles Carroll Apt. } In Error

And now at this day come the said William Corn by George Dempster his attorney and thereupon on motion of the said William Corn by his attorney aforesaid it is ruled by the Court here that the said Charles Carroll assign the errors in the record of proceedings of the Judgment aforesaid, or Judgment by the Court here will be entered against him in default thereof.

James Heckenaw
vs
Amos Barns } In Error

The Honorable Judge Mc Gurk having been of counsel for the Defendant in Error in the Court below retired from the bench whereupon came the parties by their respective attornies and all and singular the premises being by them before the Court here fully argued the Court not being advised what judgment to give in the premises take time for deliberation thereon

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Rebecca Carson &
Charles Canole } In Error.
vs
Robert M Clark

At this day come the parties aforesaid by their respective attornies aforesaid, whereupon all and singular the premises being by them before the Court here fully argued the Court not being advised what judgment to give in the premises take time for deliberation thereon

The Court then adjourned until to morrow morning ten O'clock

Monday 2d April 9th 1832.

Court met pursuant to adjournment.

Charles Carroll
vs
William Corn } In Error

Now at this day come the said Charles Car

the Attorney and file his assignment of Errors, and the defend
ant in Error by his Attorney file his joinder in Error. Whereupon
all and singular the premises being by them fully argued, the Court not being advised what judgment to
give in the premises take time for deliberation thereon. —

Stephen Vale — } On Appeal.
Elias [illegible] Barnes } Now at this day come the parties aforesaid by
their respective Attornies aforesaid, Whereupon all and singular the
premises being by them before the Court here fully argued, the
Court not being advised what judgment to give in the premises
take time for deliberation thereon.

Kerr & Bell — } On Mandamus.
William M. Rector } The return from the Circuit Court of How-
ard County to the Mandamus issued in this case being filed
here in Court, this cause is continued by consent of parties
till the next term of this Court

Vernon & Blake — } On Mandamus. —
Lilburn [illegible] Peggy } The return from the Circuit Court of
Howard County to the Mandamus issued in this case being filed
here in Court, and neither of the parties appearing in Court
the cause is continued until the next term.

Marie Bailey } In Error.
Reuben & Gentry wife } Now at this day come the said Marie Bailey by
his Attorney and moves the Court here for a Supersedeas in this case to
the Circuit Court of Cooper County, Whereupon the said Reuben
& Gentry and wife by their Attorney waived notice of said motion

Court adjourned until two O'clock to morrow morning

Wednesday, April 10. 1822.

Court met pursuant to adjournment.

Thomas Richardson } In Error.
[illegible] Shaner } Now at this day come into the Supreme Court
here the Parties aforesaid by their respective Attornies aforesaid, Whereupon
as well the Record and Proceedings aforesaid and the Assignment upon
them aforesaid as the Matter aforesaid by the said Thomas Richardson
to error assigned being fully understood by the Court here
and mature deliberation thereupon had for it appears to the Court
here that there is no error either in the Record and Proceedings afore
said or in the giving Judgment aforesaid, Therefore it is considered

by the Court here that the Judgment aforesaid given in form aforesaid be in all things affirmed and Plaine en fait fore à the effect the Error above for error assigned and alledged is any wise notwithstanding and it is further considered by the Court here that the said Amos Bonner have execution against the said James Pickthorn as well for the damages, costs and charges aforesaid as adjudged unto him in the said Circuit Court of Howard County, as also damages at the Rate of ten per cent per annum thereon from the rendition of the Judgment aforesaid until this day, and legal interest on the amount thereof until paid together with costs, adjudged unto the said Amos Bonner by the Court here for his damages, costs and charges which he hath sustained by occasion of the delay of the execution aforesaid, by the pretence of the prosecution of the said writ of the said State of Mississippi for the correcting of errors by the said James Pickthorn of and upon the premises aforesaid prosecuted. —

Rebecca Carson &
Charles Worrell comrs &c. } In Error.

And now at this day came again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid: Whereupon as well the Record and Proceedings aforesaid and the Judgment thereupon given, as the pleadings aforesaid by the said plaintiff for error assigned, being seen and by the Court here fully understood and mature deliberation being thereupon had for that it appears to the Court here that in the Record and Proceedings aforesaid and also in the giving of the Judgment aforesaid it is manifestly erred, Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid and others in the Record and Proceedings aforesaid be reversed annulled and entirely for nothing esteemed, And it is ordered that this cause be remanded to the said Circuit Court for the County of Howard for the said Court to proceed thereon, and if on the trial of this said cause the said defendant should require the production of the said writing obligatory on which the said action is founded in evidence to the jury the said Circuit Court is directed to take the said paper for the said plaintiff. It is also considered that the said plaintiff in Error recover against the said Defendant their costs by them about the prosecution of their writ of Error in this behalf expended and that they have thereof Execution

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Charles Worrell
&c. } In Error.
William Cowan &c.

And now at this day came again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon as well the Record and Proceedings aforesaid and the Judgment thereupon given, as the pleadings aforesaid by the said plaintiff in Error for error assigned, being seen and by the Court here fully understood and mature deliberation being thereupon had for that it appears to the Court here that in the Record and Proceedings aforesaid and also in the giving of the Judgment aforesaid it is manifestly erred, Therefore it is considered by the Court here that the Judgment aforesaid for

aforesaid and others in the Record and Proceedings aforesaid be reversed annulled and wholly for nothing esteemed Whereupon it is ordered that the same be remanded to the said Circuit Court for the County aforesaid for the said Court to proceed therein with direction to the said Circuit Court to permit judgment for the defendant or the demurrer unless the plaintiff shall within such time to be therein limited and fixed upon the motion of the defendant or his counsel obtain leave to withdraw it and pay unto the defendant his costs by him about the prosecution of his writ of Error in this behalf expended and that he have thereof execution

Samuel Whiteman.

John Law } In Error.

On affidavit filed by the plaintiff in Error leave is given him to file their assignment of Errors which is done accordingly and the said John Law files his joinder therein

Allen Mick } In Error.

William M Nector } On plaintiff in Error by his attorney files his assignment of Errors and the defendant files his joinder.

and issue confirmed by consent.

The Court then adjourned until 9 o'clock to morrow morning.

Thursday 9th April 11th 1792.

Court met pursuant to adjournment.

Hinton Hale } On Appeal.

Chris Bancroft } This day now at this day come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the judgment given in the premises aforesaid by the said Magistrates. Duly above for errors assigned being seen and fully understood by the Court here and matter deliberation thereupon had for it appears to the Court here that there is no error either in the record and proceedings aforesaid, or in the giving judgment aforesaid. Therefore it is considered by the Court here that the judgment aforesaid given in form aforesaid, be in all things affirmed and stand in full force and effect, the said causes for Error above assigned and alledged in any wise notwithstanding. And it is further considered by the Court here that the said Chris have execution against the said Magistrates as well for the costs & charges by him expended in and about his said Circuit Court of Harford County as also his costs and charges which he hath sustained by the prosecution of the said Appeal by the said Magistrates and upon the premises aforesaid ( )

James Nickman et al vs John Egan } Appeal This cause is continued by consent until the next Term of this Court

Court adjourned until half past eight Oclock to morrow morning —

Friday April 12th 1822.

Court met pursuant to adjournment —

James Nickman vs Jno Barnet } On appeal

It this day until which time the Court took to consider of the said Petition it is ordered that the same be denied

It is ordered That the device for a seal of the Supreme Court for the first Judicial district be an engraving on a punchion of brass or copper of not more than two inches in diameter on the face nor less than 1½ inches; in the centre the spread eagle the margin to be indented and near the circular margin as may be to be engraved in Roman character the words. "Seal of the Supreme Court of Mississippi 1st Judicial district.

Uriah Bailey vs Reuben E Gentry & wife } On motion for Supersedeas.

Now at this day came again into Court here the parties aforesaid by their respective attornies aforesaid, Whereupon it appearing that in the issuing of an Alias writ of Fieri Facias in this cause manifest error hath occurred, It is thereupon ordered by the Court that the said writ of supersedeas prayed for be granted. Whereupon the said Uriah Bailey offers here Abraham McKinney as his security who is approved of by the Court, and the said Uriah Bailey doth on oath that he did not sue the said writ for the sole purpose of delay, Whereupon the said Uriah Bailey as principal and Abraham McKinney as security severally acknowledge themselves to

to Reuben E Gentry and wife in the sum of four hundred dollars to be levied of their respective goods and chattels lands and tenements to be paid on condition that the said Abriel Bailey shall prosecute his said writ with effect and pay the condemnation of this Court, upon application of the said Abriel Bailey it is ordered that the writ in this case be made an Supersedeas.

The proceedings of this Term commence at Page 6 and contains six pages

Mathias McGirk
President of the Court

At the commencement of this term there was an indictment pending which was erased with a pen knife

The Court then adjourned until Court in Course on the second Monday in April 1823 being the day appointed by Law for holding the supreme Court in the first Judicial District, members of the Judges thereof having attended, the said Court was adjourned by the Clerk until to morrow.

Mc Girk

State of Missouri — At a Supreme Court began and held for the first Judicial District of the State aforesaid at the Town of Franklin in the County of Howard on the Second Tuesday the fifteenth day of April in the year of our Lord one thousand eight hundred and twenty three and in the forty seventh year of the Independance of the United States of America. Were present the Honorable

Mathias McGirk and
John Rice Jones } Judges

Samuel Insley
v
Elias Bancroft } On writ of Error

This cause is continued by consent until the next Term of this Court by consent of the parties.

Robert P. Clarke admr of
Asa Morgan deceased
v
George C. Hartt } On writ of Error

And now at this day comes the defendant George C. Hartt by his attorney and files his Errors in this cause.

Henry Brown use of
&c.
v
William Bechwell } On appeal

On motion of the appellant a writ of Certiorari is awarded to the Clerk of the Circuit Court of the County of Howard to bring up the record in this cause at the next Term of this Court and therefore this cause is continued until the next Term of this Court.

John Owens
James H. Benson
James Heathcoat
James Wallop.
by
John Law.

} Ore apfsent.

And now at this day comes the partis aforesaid by their attorneys Whereupon all and singular the premises being heard by them before the Court fully enquired and the Court not being advised what Judgment to give in the premises doth the time for deliberation thereon.

William. A. Rector
by
John Welch

} ore tenit of Errors

And now at this day comes the partis aforesaid by their attorneys Whereupon all and singular the premises being by them heard before the Court fully enquired and the Court not being advised what Judgment ought to be given in the premises doth the time for deliberation thereon.

Thomas A. Smith
by
George C. Hart and
George Twill

} Ore tenit &c Errors

And now at this day comes the plaintiff by his attorney and files his Errors.

Mathew Kent
John Bell
by
William. A. Rector

} Mandamus

And now at this day come the said Kent and Bell by their attorneys & say that they will not further prosecute their said writ of Mandamus but suffer the same to be dismissed Therefore it is considered that said Kent and Bell take nothing by their said writ and that they go thereof without day, and it is further considered that said William. A. Rector recover against said Kent and Bell his costs and charges by him about his said defence in that behalf laid out and expended, and that he have execution &c.

Reuben L. Gentry and Sarah his wife (which said Sarah is administratrix of John Brown deceased)
by
Isaiah Bailey

} And now at this day come the parties aforesaid by their attorneys and by consent of the parties it is agreed that the Judgment of the Court below be affirmed & that all things therein and stand in full force and effect. And it is further considered that

that the said Geo Ivy and wife have execution against said Bailey as well for the state damages cost and charges aforesaid adjudged unto him in the Circuit Court of the County of Cooper as also damages at the rate of one per centum per annum from the time of the rendition of the Judgement aforesaid until this day and Legal interest not thereon until paid together with the cost adjudged unto the said Plaintiffs in the Circuit Court of the County of Cooper aforesaid and also his cost and charges by him about his suit in this court expended and it is agreed by counsel the parties here in Court to release all errors in the proceedings in this cause either in the Court below or in this Court.

Joseph Heslep
vs.
Stephen Tate &
Samuel Tinley
} On Appeal

And now at this day come the parties aforesaid by their attorneys and the said appellee moves the Court here for an affirmance of the Judgement of the Court below because said Appellant did not cause to be filed with the Clerk of this Court a transcript as required by law, and said Joseph Heslep produced here in Court a certificate from the Clerk of the Circuit Court of the County of Howard stating that an appeal had been taken in this cause from said Court at the November Term of said Court in the year one thousand eight hundred and twenty one. Whereupon the Court do consider that as much as the said Tate and Tinley have not filed said a transcript of the record in the case of said appeal and as because said Tate and Tinley have not shown good cause why the same has not been done the Court do consider that the Judgement of the Court below in all things be affirmed and stand in full force and effect And it is further considered that said Joseph Heslep have his Execution against said Tate and Tinley for the sum of four hundred and eight dollars and eighty pence current debt and interest thereon

fifty dollars and thirty three cents damages and also his costs and charges by him in the Court below expended in that behalf and also his costs and charges by him in this Court expended and also damages at the rate of five per centum per annum thereon from the rendition of the Judgment aforesaid in the said Circuit Court until this day and that interest on the amount thereof until paid

Court adjourned until nine o Clock tomorrow

Wednesday April 16th 1823.

This Court met pursuant to adjournment.

John Owen
James H. Bruen
James Hackman
James M. Mayo
vs
John Gaw

On appeal.

Ordered that the Clerk of this Court make out two Copies of the Bill of Exceptions in this case and tax the same with the costs of the suit. Whereupon the Court do order the next term for deliberation thereon.

John Wells
vs
William M. Keehan

On writ of Error.

Ordered that the Clerk of this Court make out two Copies of the Bill of exceptions in this case and tax the same with the costs of the suit. Whereupon the Court do order the next term for deliberation thereon

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Thomas L. Smith
vs
George Hackett

On writ of Error.

The plaintiff in Error by his attorney files his assignment of Error and the defendant files his joinder thereon.

Robert P. Blount
admr &c of
Tho Morgan
vs
George Hackett

On writ of Error

The defendant in Error by his attorney files his joinder to the Error assigned by the plaintiff.

Robt R Blair
admr &c of
Ann Morgan
vs
Geo. Le Hardy } On writ of Error

This day came the parties aforesaid by their respective attorneys aforesaid. Whereupon all and singular the premises being by them beforehand fully argued, the Court not being advised what judgment to give in the premises until &c. for deliberation thereof.

Thomas & Jno Nicholls
vs
Geo. Le Hardy } On writ of Error
George Nicholls (2)

This day came as well the plaintiffs in error aforesaid by their respective attorneys aforesaid (Whereupon as well the Record and proceedings aforesaid and the judgment given in form aforesaid as the matters assigned for error aforesaid by the said Thomas & Jno Nicholls above for errors assigned being read and fully understood by the Court & here and mature deliberation had thereupon had for it appears to the Court here that in the record and proceedings aforesaid and also in the giving the judgment aforesaid it is manifestly erred: Therefore it is considered by the Court here that the judgment aforesaid for the error aforesaid and others in the Record and proceedings aforesaid be reversed annulled and altogether for nothing esteemed (): And it is further considered by the Court that the plaintiffs Thomas & Nicholls do recover against the said George Le Hardy & George Jno Nicholls the sum of Five hundred and eighty dollars for his damages by occasion of the non performance of the said Covenant in the said declaration mentioned and also his costs and charges about in this Court & in the Court below and that he have thence of execution &c.)

Court adjourned 'till tomorrow Morning 9 o'clock.
Thursday April 17th 1823.
Court not sufficient to appear.

Vernon & Clarke
vs
Wilson M. Nagle } On Mandamus

At this day the return to the writ of Mandamus being read and argued by Counsel the Court do consider and adjudge that the return aforesaid of the Circuit Court is insufficient and it is further considered that a peremptory Mandamus issue to the said Circuit Court for Monroe County

commanding it to enter judgment at the next term of the Circuit court for the plaintiff against the defendant on the judgment confessed in vacation before the clerk and it is also considered and adjudged that the aforesaid Mahon as well the record and proceedings aforesaid and the judgment given in form aforesaid as the Matters aforesaid by the said Robert P. Blair assigned above for errors assigned being heard and fully understood by this Court here and the Matters debated which appear had for it appeared to the Court here that in the record and proceedings aforesaid and also in the giving the judgment aforesaid there is manifestly error. Therefore it is considered by the Court here that the judgment aforesaid for the errors aforesaid and also others in the record and proceedings aforesaid be reversed annulled and entirely for naught held and it is ordered that this cause be remanded to the said Circuit court for the County of Harrison for the said Court to proceed therein and if on the trial of the said cause the plaintiff shall produce satisfactory proof to prove the Note in question was an accommodation Note as the said Court shall direct the defendant on the Note has no effects of the endorser in his hands that the said Court shall admit the same to go as evidence to the Jury. and it is also considered that the said plaintiff in error Recover against the said defendant his costs and charges by him about his writ of error expended & that he have execution therefor.

The Court then adjourned until next court in course

The proceedings of this term commence at page 12 and end and contain six pages. Matthias McGuire Presidt

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Robert P. Blair
against &c. of
Asa Morgan
&
Enoch G. Hartt

} On writ of Error.

And now at this day came again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon as well the Record and proceedings aforesaid and the judgment given in form aforesaid as the Matters assigned by the said Robert P. Blair in error assigned being heard and fully understood by this Court here and Matters debated which appear had for it appeared to the Court here that in the record and proceedings aforesaid and also in the giving the judgment aforesaid there is manifestly error. Therefore it is considered by the Court here that the judgment aforesaid for the errors aforesaid and also others in the record and proceedings aforesaid be reversed annulled and entirely for naught held and it is ordered that this cause be remanded to the said Circuit court for the County of Harrison for the said Court to proceed therein and if on the trial of the said cause the plaintiff shall produce satisfactory proof to prove the Note in question was an accommodation Note as the said Court shall direct the defendant on the Note has no effects of the endorser in his hands that the said Court shall admit the same to go as evidence to the Jury. and it is also considered that the said plaintiff in error Recover against the said defendant his costs and charges by him about his writ of error expended & that he have execution therefor.

The Court then adjourned until next court in course

The proceedings of this term commence at page 12 and end and contain six pages. Matthias McGuire Presidt

State of Missouri Court

At a Supreme Court begun and held for the first Judicial District of the State aforesaid at the town of Franklin in the County of Howard on the fourth Monday of September in the Year of our Lord One thousand Eight hundred and twenty three and of the Independence of the United States the forty eighth. Present.

The Hon. Matthias McGirk } a Quorum of the
Rufus Pettibone } Judges of said Court

Gray Bynum Clerk.

Henry E. Dover appellant
vs.
William B. Rendle appellee } On appeal.

On motion of the Clerk of the Circuit Court for the County of Howard he has leave to withdraw the transcript heretofore filed in this cause which is done, and thereupon files a mandate.

Samuel Turley
vs } In Error.
Elias Barcroft

This cause is continued till the next term by consent.

Henry E. Dover appellant
vs
William B. Rendle appellee } On appeal.

The appellant by his attorney this day files his assignment of Errors and the appellant files his joinder in error.

William Babcock Garnishee &c.
vs } In Error. No 1
Thompson Douglass

The plaintiff in Error this day files his assignment of Errors.

William Babcock Garnishee &c.
vs } In Error. No 2.
Thompson Douglass.

The plaintiff in error this day files his assignment of Errors.

William Cabeen Garnishee &c
vs.
Thompson Douglass. } In Error No. 3.

The plaintiff in error by his attorney files day files his assignment of errors.

William Cabeen Garnishee &c
vs
Thompson Douglass. } In Error No. 4.

The plaintiff in error by his attorney this day files his assignment of errors.

Taylor Berry &
Thomas A Smith } In Error.
vs.
Nicholas S. Burkhart } The plaintiffs in error by their attorney this day file their assignment of errors.

The Court then adjourned till tomorrow Morning 9 Oclock.

Sunday September 23rd 1823.

The Court met pursuant to adjournment.

Duff Green
vs } In Error.
Andrew S. M.Girk

The defendant in error by his attorney moves the Court to affirm the Judgment below the consideration of which is continued till next term.

John Owens :
James H. Benson
James McClenahan &
James M. Moss } On appeal
vs
John Sawyer

Now at this day come the parties aforesaid by their respective attorneys aforesaid Whereupon all and singular the premises being by them here before the Court agreed fully argued and the Court not being yet advised

what Judgment to give in the premises, Latte time to deliberate thereon.

John Nicholson
vs
William B. Rector } In Error.

Now at this day come the parties aforesaid by their respective Attorneys aforesaid Whereupon all and singular the premises being by them here before the Court fully argued and the Court not being yet advised what Judgment to give in the premises Latte time to deliberate thereon.

Henry E. Dever
who sues &c. &c. } On appeal.
vs.
William Bellardo

Now at this day come the parties aforesaid by their respective attorneys aforesaid Whereupon all and singular the premises being by them here before the Court fully argued and the Court not being advised what Judgment to give in the premises Latte time to deliberate thereon.

The Court then adjourned till tomorrow morning 9 oClock

Wednesday September 24th 1823.

The Court met pursuant to adjournment

Henry E Dever
who sues &c. &c. } On Appeal.
vs.
William Dever.

And now at this day come
vs
Willard Bellardo.

again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon as well the Record and proceedings aforesaid as the Judgment given in form aforesaid as the matters aforesaid by the said Henry E. Dever above for more fully assigned

being seen and fully understood by the Court here and mature deliberation thereupon had, for it appears to the Court here that there is no error either in the record and proceedings aforesaid or in the giving judgment aforesaid. Therefore it is considered by the Court here that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the said cause for error above assigned and alledged in any wise notwithstanding. And it is further considered by the Court here that the said William Bullock have execution against the said Henry E. Dyer as well for the costs and charges aforesaid as adjudged unto him in the said Circuit Court of Howard County as also his costs and charges which he hath sustained by pretext of the prosecution of the said appeal by the said William E. Dyer of and upon the said premises prosecuted.

John Welch
vs
William N. Rector } In Error

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the judgment thereupon given as the matters aforesaid by the said plaintiff in error for error assigned being seen and by the Court here fully understood and mature deliberation being thereupon had. For that it appears to the Court here that in the record and proceedings aforesaid and also in the giving of the judgment aforesaid it is manifestly erred. Therefore it is considered by the Court here that the judgment aforesaid for the error aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed and it is further considered that the said John

Melch recovers against the said William A. Reeder his costs and charges by him about the prosecution of his writ of error in this behalf laid out and expended and that he have thereof execution &c. and that he be Remitted to all things which he has lost by reason of the Judgment aforesaid as rendered by the Circuit Court aforesaid

Taylor Berry &
Thomas A. Smith
vs
Nicholas J. Burckhartt } In Error

Now at this day come the parties aforesaid by their respective attorneys aforesaid. Whereupon all and singular the premises being by them here fully argued and the Court not being yet advised what Judgment to give in the premises take time to deliberate thereon.

The court then adjourned until tomorrow morning 9 o'clock

Thursday September 25th 1823. Court met pursuant to adjournment

James Hutchinson & others } In Error.
vs
John Jane. } And now at this day come the parties aforesaid by their attorneys until which time the Court took to consider of and concerning the premises and not yet being advised what Judgment ought to be given in the premises take time for deliberation thereon and its ordered that the Clerk of this Court make out a copy of the bill of Exceptions and Errors assigned in this Cause for the use of the Court to be taxed with the costs and Cause continued

Taylor Berry &
Thomas A. Smith
vs
Nicholas J. Burckhartt } In Error.

Now at this day come the parties aforesaid by their attorneys, until which time the Court took to consider of and concerning the premises and not being yet advised what Judgment ought to be given in the premises take time for deliberation thereon, and it is ordered that the Clerk of this Court make out two copies of the Record and Errors assigned in this cause for the use of the Court to be taxed with the costs and Cause continued until the next term of the Court.

The Court then adjourned until Tuesday next

Friday 5th December 26. 1823.

Court met pursuant to adjournment.

William Caben garnishee, in an action of debt brought by Thompson Douglass against John M.Clung.

vs

Thompson Douglass } In Error. No 1.

} Now at this day comes the said William Caben by his attorney and the said Thompson Douglass although solemnly called comes not but makes default, nor hath he filed his joinder in error herein, and it appearing by the return of the Sheriff of the County of Saint Louis that the said Thompson Douglass has been notified with a scire facias to appear at this term of the Court and shew cause if any he had why the judgment and proceedings aforesaid in this behalf had and rendered against the said William Caben garnishee aforesaid should not be reversed annulled and altogether held for nothing and the said William Caben garnishee aforesaid and other the matters in the record and proceedings aforesaid mentioned, and it appearing to the Court here that the said William Caben garnishee aforesaid hath paid to the said Thompson Douglass the debt in the said record mentioned, and the said Thompson Douglass hath released to the said William Caben garnishee aforesaid all manner of action and actions, cause and causes of action, suit and suits, debt and debts, duties, accounts, sum and sums of money, judgments, executions, claims and demands whatsoever, both in law and equity, which he the said Thompson Douglass ever had, now hath or can, may or shall have against the said William Caben garnishee aforesaid for or by reason or on account of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of the release aforesaid, as by the said release now here in Court produced and acknowledged will more fully appear, and the said Thompson Douglass hath also now here in Court remitted and released to the said William Caben garnishee aforesaid all errors whatsoever in the record and proceedings aforesaid, and also in the giving of the judgment aforesaid against the said William Caben garnishee aforesaid, as by the said release now here in Court produced and acknowledged will more fully appear, and the said William Caben garnishee aforesaid hath also now here in Court paid to the said Thompson Douglass the costs by him about the prosecution of his said writ of error in this behalf laid out and expended, and the said Thompson Douglass hath also now here in Court

Record and proceedings aforesaid and the Judgment thereupon given against the said William Cabeen garnishee as aforesaid, the matters aforesaid by the plaintiff above for Error assigned, being fully and by the Court here fully understood and matter deliberation being thereupon had for that it appeareth to the Court here that in the Record and proceedings aforesaid and also in the giving the Judgment aforesaid against the said William Cabeen garnishee as aforesaid it is manifestly erred. Therefore it is considered by the Court here that the Judgment aforesaid against the said William Cabeen garnishee as aforesaid, for the error aforesaid & others in the Record and Proceedings aforesaid, be reversed, annulled and entirely for nothing esteemed and it is further considered that the said William Cabeen recover against the said Thompson Douglass his costs and charges by him about the prosecution of his writ of Error in this behalf laid out & expended and that he have thereof execution &c and that he the said William Cabeen be restored to all things which he hath lost by reason of the Judgment aforesaid, so reversed by the Circuit Court aforesaid.

William Cobbens Garnishee
vs
Thompson Douglass.
} In Error No. 3.

And now at this day come the said William Cobbens by his attorney aforesaid and the said Thompson Douglass although solemnly called come not but made default nor hath he filed his pleadings in Error herein and it appearing by the return of the Sheriff of the County of St Louis that the said Thompson Douglass has been notified by a writ of Scirefacias issued from this Court to appear at this Term of said Court and make his defence to said writ of Error Whereupon as well the record and proceedings aforesaid, and the Judgment thereupon given against the said William Cobbens Garnishee as aforesaid as the matters aforesaid by the plaintiff above for Error assigned being seen and by this Court here fully understood, and matter deliberation being thereupon had; for that it appears to the Court here that in the record and proceedings aforesaid and also in the giving the Judgment aforesaid against the said William Cobbens garnishee as aforesaid it is manifestly Erred Therefore it is considered by the Court here that the Judgment

aforesaid in form aforesaid given against said William Cobbleun Garnishee as aforesaid for the Errors aforesaid and for others in the record and proceedings aforesaid be reversed annulled and wholly for nothing esteemed and it is further considered that the said William Cobbleun recover against the said Thompson Douglass his costs and charges by him about the prosecution of his writ of Error in this behalf laid out and expended and that he have these Execution &c. and that the said William Cobbleun be restored to all things which he hath lost by reason of the Judgment aforesaid so reversed by the Circuit Court aforesaid.

William Cobbleun Garnishee &c. } In Error. No. 40.
by
Thompson Douglass

And now at this day come the said William Cobbleun by his attorney aforesaid and the said Thompson Douglass although solemnly called come not but made default, nor hath he filed his Joinder in Error herein, and it appearing by the return of the Sheriff of the County of St Louis that the said Douglass has been notified by a writ of Scire facias issued from this Court to appear at this Term of the said Court and make his defence to said writ of Error Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given against the said William Cobbleun Garnishee as aforesaid as the matter aforesaid by the plaintiff in Error aforesaid assigned being seen and by the Court here fully understood and mature deliberation being thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in the giving the Judgment aforesaid against the said William Cobbleun Garnishee as aforesaid it is manifestly erred Therefore it is considered that the Judgment aforesaid in form aforesaid given against the said William Cobbleun Garnishee as aforesaid for the Error aforesaid and for others in the record and proceedings aforesaid be reversed annulled and wholly for nothing esteemed, and it is further considered that the said William Cobbleun recover against the said Thompson Douglass his costs and charges by him about the prosecution of his writ of Error in this behalf laid out and expended and that he have Execution &c. and that the said William Cobbleun be restored to all things which he hath lost by reason of the Judgment aforesaid so reversed by the Circuit Court aforesaid

[illegible] of the Term of the Court commenced on [illegible] eighteen and ended the [illegible] Term Five and continued five days. The Court then adjourned until the next Court in course.

Mathias McGirk President

State of Mississippi } At a Supreme Court began and held
to wit } for the first Judicial District of the State aforesaid at the
town of Brandon in the County of Hinds on Monday
the thirteenth day of April in the year of our Lord one
thousand eight hundred and twenty four (the Court having
failed to assemble on yesterday it being the second Monday
of April in said year and the day appointed by law
for holding said Court.

Were present (the Hon. Mathias McGirk } a Quorum
" Peter Potter } of the Judges
Guy Bryan clerk & Benjamin D Clay sheriff } of said Court.

Samuel M. Cutcheon
&c &c } In Error
vs
Moses Battelle. The plaintiff in error by his attorney
this day files his assignment of errors.

Duff Green
vs
Andrew & M. Gibbs } In Error.
(This cause is continued till the
next term by consent.

William Corn &
Samuel Baty
vs
The State of Mississippi } In Error
(The said plaintiffs by their
Attorney this day file their assignment of Error. and the
said State by her attorney files her joinder in Error.

Samuel M. Cutcheon
assignee &c } In Error
vs
Moses Battelle } Now at this day come into the Court
here the said Samuel M. Cutcheon by his
attorney aforesaid, and the said Moses Battelle having

failed to file his joinder in Error. all and singular the matters and things above for Error assigned are by him the said plaintiff submitted to the Court. Whereupon the Court take time to deliberate thereon.

William Conn &c
Samuel Baty
vs
The State of Missouri
} In Error.

And now at this day come the respective parties aforesaid by their attorneys aforesaid Whereupon all and singular the premises being by them fully heard before the Court fully argued, and the Court not being yet advised of what judgment to give in the premises take time to deliberate thereon.

The Court then adjourned till tomorrow Morning 11. O'Clock

Wednesday April 14.th 1824.

The Court met pursuant to adjournment.

Samuel M.Cutchen
assignee &c
vs
Mon.. Batterton.
} In Error.

And now at this day came again into the Supreme Court here the said Samuel M.Cutchen by his attorney aforesaid, and this being the last day of the term and the said Mon.. Batterton having failed to file his joinder in error: Whereupon as well the record and proceedings aforesaid and the judgment thereupon given on the matter aforesaid by the said plaintiff above for error assigned being veiw and by the Court here fully understood and matured deliberation being thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in giving of the Judgment aforesaid so far as it says that the said debt may be discharged by the payment of One Cent in damages it is manifestly erred: and that the balance of the said Judgment which says that the said plaintiff shall recover of the defendant his debt in the declaration mentioned be in all things affirmed and stand in full force and effect. Whereupon the Court proceeding to give such further judgment as the said Circuit Court ought to have given do consider that the said Samuel M.Cutchen do recover of the said Mon.. Batterton his damages for the detention of his said debt amounting to three dollars twenty five

being the interest on the said debt since the same became due as appears from the declaration. And it is further considered by the Court here that the said plaintiff recover against the said defendant his said debt of One hundred dollars and also his damages ascertained in form aforesaid by the Court adjudged to him. together with his costs and charges by him about his said suit in the Circuit Court aforesaid, and in this court laid out and expended and that he have thereof execution.

Parker Berry &
Thomas A. Smith
vs
Nicholas S. Burkhardt

} In Error

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon all and singular the Record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said plaintiffs above for error assigned being seen and fully understood by the Court here and mature deliberation thereupon had For that it appears to the Court here that in the Record and proceedings aforesaid and also in the giving the Judgment aforesaid it is manifestly erred. Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid and others in the Record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed Whereupon it is ordered that this cause be remanded to the said Circuit Court for the County of Monroe for further proceedings: and it is further considered that the said plaintiffs in error recover against the said defendant their costs and charges by them about their writ of error expended and that they have thereof execution &c.

James McNamara Pettus
appellants
vs
John Gaw appellee

} In Ap. peals

And now at this day come the parties aforesaid by their respective attorneys aforesaid and the Court not being yet advised what judgment to give in the premises take till the next term to deliberate thereof to which time the cause is continued.

William Comet
Samuel Baly
vs
The State of Mississippi

} In Error

And now at this day came again into the Court here the parties aforesaid by their respective attorneys aforesaid Whereupon the Court not being yet advised what judgment to give in the premises take till the next term to deliberate

Howard to which time the cause is continued

Samuel Parker
vs
Elias Barcroft } On appeal

(This cause is continued till the next term

Francis B. Holmes &
Andrew Elliott
vs
John Hull impleaded } In Error
with
William Hull &
William S. Thomas

And now at this day come in to the Supreme Court here the parties aforesaid by their respective attorneys aforesaid and the plaintiffs aforesaid by their attorney aforesaid file their assignment of errors and the said defendant by his attorney also files his joinder in error. Whereupon as well the record and proceedings aforesaid and the judgment thereupon given as the matters aforesaid by the said plaintiffs above for error assigned being seen and fully understood by the Court here and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in the giving the judgment aforesaid it is manifestly erred. Therefore it is considered by the Court here that the judgment aforesaid for the errors aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed: And it is further considered that the said plaintiffs in error recover against the said defendant their costs by them about the prosecution of their writ of error in this behalf expended and that they have there of execution. Whereupon it is ordered that this cause be remanded to the said Circuit Court for the County of Chamitow for further proceeding.

It appearing to the satisfaction of this court that orders have been made by the Circuit Court and County Court of Howard County for the removal of said Courts to the town of Fayette the Seat of Justice in pursuance of the provisions of an act of the General assembly of this State entitled "an act for the removal of the County Seat of Howard County to the centre of said County." It is therefore ordered that this court hereafter be holden at the town of Fayette, and that when the present term is adjourned it be adjourned to meet at the said new seat of Justice.

The Court then adjourned till next court in course.

The record of this term commences at page twenty six and ends at page twenty nine and contains four pages: and the record certified made up and closed.

M M Leland President of the Court

State of (Missouri) to wit.

On the second (Monday of April, being the eleventh day of said Month in the year of our Lords One thousand eight hundred and twenty five, and being the day appointed by law for holding the Supreme Court for the first Judicial District of said State; Neither of the Judges of said court attended: Whereupon the Court was adjourned by the Clerk until tomorrow.

Tuesday April 12th 1825.

This day Neither of the said Judges having attended the Court was again adjourned by the Clerk until tomorrow.

Wednesday April 13th 1825.

At a Supreme Court began and held for the first Judicial District of the State of (Missouri at the Town of Fayette in the County of Howard on Wednesday the thirteenth day of April in the year of Our Lords One thousand eight hundred and twenty five and in the forty ninth year of the Independence of the United States of America.

Present.

The Hon.ble Matthias McGirk } Judges of
Rufus Pettibone do } said Court
George Tompkins

Gray Bynum Clerk.

Whereupon the said Court was duly opened by proclamation made.

The Court then adjourned until tomorrow morning 9. O'Clock.

Thursday April 14th 1825.

The Court met pursuant to adjournment.

The following rules were then read and adopted by the Court and ordered to be recorded Viz.

Rule 1st The statement of points now required to be made for the use of the Judges shall consist of a clear statement in fair legible writing of the facts of the cause and then the points relied on. Shall be made and numerical order accompanied with a brief of the authorities relating to each point and the bearing of the authorities on each point shall be noted with the leading reasons to support the same. Those briefs shall always be delivered on the first day of the Term unless good cause be shown to the contrary. If this rule is not complied with the Court will take the cause to be submitted.

Rule 2nd. No motion shall be argued unless the Court direct the same to be argued but the parties may make a brief as by the above rule.

Rule 3rd The Clerks of the Supreme Court are required to furnish a copy of the Records in every cause in the Supreme Court to the appellant or plaintiff in error and to the appellee or defendant in error if applied for, and that one copy be charged in the Bill of costs against the unsuccessful party; but the Clerk shall be entitled to the fees of each copy when by him delivered.

Rule 4th That in all cases in the Circuit Courts it shall be the duty of the Clerks of the said Circuit Courts to make out a copy of all such papers as the parties may order and tax the same to the party against whom Judgment is rendered unless the Court shall on motion adjudge them to have been unnecessary.

Rule 5. In appeals in Chancery cases errors shall be assigned on or before the third day of the Term to which the appeal is taken as in cases at Law, and if errors be not so assigned the cause shall also be subject to the same rule as for want of assignment of errors in cases at Law. Provided however if the Court shall hold three days, and if not then errors shall be assigned when the Court shall direct.

Charles Harryman
Duff Green &
Thomas W. Lemay
adrs
State of Missouri

On writ of Error

The said plaintiffs in Error by their counsel file their assignment of Error, which is joined by counsel for the State.

Hiram Craig
John Moore &
Ephraim Moore
adrs
The State of Missouri

On appeal

The said appellants this day file their assignment of Error by their counsel to which the State by her counsel file a joinder

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Thomas Mation
adr
The State of Missouri

On appeal.

The said appellant by his counsel files his errors to which the State by counsel files a joinder

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Robert J. Davis
Henry J. Williams &
Andrew Thrasher
adrs
The State of Missouri

On appeal.

The said appellants by their counsel file their assignment of error to which the State by counsel file a joinder.

Augustus H. Longan
appellant
vs
Henry Reed
appellee

On writ of Error.

The said appellant by his counsel files his errors to which the appellee by counsel files a joinder.

Hardage Lane admr &c.
vs
Robert P. Blair admr &c

On writ of Error

The said plaintiff in error by his counsel files his errors to which the defendant by his counsel files his joinder?

Mary Gaither &c
William Peirce
impleaded &c
and
The State of Mefsouri

} On appeal.

The said appellants by their counsel file their assignment of error to which the appellee by counsel files her joinder.

William Peirce &
Mary Gaither
impleaded &c
and
The State of Mefsouri

} On appeal.

The said appellants by their counsel file their errors to which the State by her counsel files her joinder.

John Collins
per
Lucas M. Bramlett
Philip Bramlett

} On writ of error.

This cause is continued by consent.

William Lloyd &
Samuel Baty
vs
The State of Mefsouri

} In Error.

And now at this day comes again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon as well the Record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said plaintiffs above for error assigned being seen and fully understood by the Court here and mature deliberation thereupon had for that it appears to the Court here that there is no error either in the Record and proceedings aforesaid or in the giving Judgment aforesaid Therefore it is considered by the Court that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the said causes for error above assigned and alledged in any wise notwithstanding: And it is further considered by the Court here that the State of Mefsouri in this case executed as against the said William Lloyd and Samuel Baty

as well for the damages costs and charges aforesaid as adjudged unto her in the said Circuit Court of Harper County together with her costs and charges by her in this behalf laid out and expended ...

Duff Green
vs
Andrew J. M'Gill } In Error.

Now at this day comes the said defendant by his attorney aforesaid and likewise the Hon. Mathias M'Gill suggests that he was related to the said party defendant in this cause and retired from the bench and the Hon. George Tompkins also suggested that he had been of counsel for the said party defendant in this Court below but was compelled to sit on the trial of said cause to make a quorum of this Court. Whereupon all and singular the premises being by the said defendant before the Court here fully argued and the Court not being yet advised what Judgment to give in the premises until time to deliberate thereon.

The Court then adjourned until tomorrow Morning 9 O'clock

Friday 15th April 1825.

The Court met pursuant to adjournment.

It appearing to the Court that the State is not represented by counsel at this term, John B. Laidley Esqr. is appointed to prosecute on her behalf during this present term.

Duff Green
vs
Andrew J. M'Gill } In Error.

And now at this day comes again into the supreme court here the said defendant by his attorney aforesaid Whereupon and no error

having been assigned by the said plaintiff; as well there
for the affirmance of the Judgment aforesaid as the record
and proceedings aforesaid and the Judgment thereupon
given being been and fully understood by the Court
here and mature deliberation being thereupon had
for that it appears to the Court here that there is
no error either in the record and proceedings afore-
said or in the giving the Judgment aforesaid. There-
fore it is considered by the Court here that the Judgment
aforesaid given in form aforesaid be in all things af-
firmed and stand in full force and effect, and
it is further considered by the Court here that the
said Andrew S. McGirk have execution against the
said Geoff Greene as well for the damages costs and
charges aforesaid as adjudged unto him in the said
Circuit Court of Charleston County as also damages
at the rate of four per cent per annum thereon from
the rendition of the Judgment aforesaid until
this day and legal interest on the amount thereof
until paid together with his costs and charges by him
in this behalf laid out and expended.

John Allen
James Richmond
James H Pearson &
James M. Nesbit.
&
John Green

} Ca. ad. &c.

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said assignment above for error assigned being seen and by the Court here fully understood and mature deliberation being thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in the giving of the Judgment aforesaid it is manifestly erred: Therefore it is considered by the Court here that the Judgment aforesaid for the errors aforesaid and other in the record and proceedings

aforesaid be quashed annulled and entirely for nothing
esteemed and it is further considered that the said
John Owen James H Bowen James Hickman and
James M. Hop recover against the said John David
their costs and charges by them about the prosecu-
tion of their Appeal in this behalf laid out and
expended And that they be restored to all
things which they have lost by occasion of the judg-
ment aforesaid to be rendered by the Circuit Court
aforesaid.

Michael Moore
Appellant
vs
Parthenia Easton
Appellee
} On Appeal.

Now at this day come the parties
aforesaid by their respective Attor-
nies aforesaid and the said Appellant having here-
tofore filed in the Office of this Court his Assignment
of errors and the said Appellee joined thereto:
Whereupon all and singular the premises being
by them here before the Court fully argued and
the Court not being yet advised of their judgment
to give in the premises, take time to deliberate
thereon.

John Collins
vs
James M. Brannon
& Philip Bramble
} In Error.

Now at this day comes the said
Plaintiff by his Attorney and
files his Assignment of Error.

A Deed was produced in Court executed by Edward
Davis and Polly Davis his wife of Howard County
Maryland to Charles Sanderson of the County of
Cleveland in the State of Kentucky for eighty nine acres
of Land situated in said County of Cleveland which
deed was acknowledged by the said Edward Davis
& Polly Davis before the said Court by the said
County Court, & the said Polly Davis having
been examined seperately and apart from her said
husband touching her willingness to execute the same
it is ordered that the said acknowledgment be
certified.

The State of Missouri
vs
Mary Gaither &
William Pierce
impleaded with
John Gaither

} An appeal.

And now at this day comes again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon as well the record and proceedings aforesaid and the judgment thereupon given in the matters aforesaid by the said defendants for error assigned being seen and by the Court here fully understood and mature deliberation being had for that it appears to the Court here that in the Record and proceedings aforesaid and also in giving the judgment aforesaid it is manifestly erred. Whereupon it is considered by the Court here that the judgment aforesaid for the errors aforesaid and others in the Record and proceedings aforesaid be reversed annulled and altogether for nothing esteemed: And it is further considered that the said Mary Gaither & William Pierce recover against the said State of Missouri their costs and charges by them about their prosecution of their appeal in this behalf laid out and expended &c. Whereupon this cause is remanded to the Circuit Court of Charlton County for further proceedings.

The State of Missouri
vs
Hiram Craig
John Moore &
Ephraim Moore

} An appeal.

And now at this day comes again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon as well the record and proceedings aforesaid and the judgment thereupon given as the matters aforesaid by the said plaintiff above for error assigned being seen and fully understood by the Court here and due mature deliberation thereupon had for that it appears to the Court here that there is no error either in the record and proceedings aforesaid or in the giving judgment aforesaid: Therefore it is considered by the Court that the judgment aforesaid

form aforesaid be in all things affirmed and stand in full force and effect the said cause for error above assigned and alledged or any wise notwithstanding: And it is further considered by the Court here that the State of Mississippi have execution against the said Hiram Craig John Moore and Ephraim Moore as well for the damages costs and charges aforesaid as adjudged unto her in the said Circuit Court of Claiborne County, as also her costs and charges by her in this behalf expended &c.

The State of Mississippi
for
Thomas Matson
} On appeal.

And now at this day comes again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon as well the Record and proceedings aforesaid and the Judgment thereupon given in the matters aforesaid by the said Thomas Matson above for error assigned being seen and fully understood by the Court here and matters deliberated thereupon had for that it appears to the Court here that there is no error either in the Record and proceedings aforesaid or in giving the Judgment aforesaid. Therefore it is considered by the Court that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the said cause for error above assigned and alledged in any wise Notwithstanding: And it is further considered by the Court here that the State of Mississippi have execution against the said Thomas Matson as well for the damages costs and charges aforesaid as adjudged unto her in the said Circuit Court of Claiborne County, as also her costs and charges by her in this behalf expended &c.

The State of Mississippi
for
Robert S. Davis
Henry T. Williams &
Thomas Chamberlain
} On appeal.

And now at this day

come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said plaintiff above for error assigned being heard and fully understood by the Court here and mature deliberation thereupon had, for that it appears to the Court here that there is no error either in the record and proceedings aforesaid or in the giving Judgment aforesaid: Therefore it is considered by the Court that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the said cause for error assigned and alledged in any wise notwithstanding: And it is further considered by the Court here that the State of Mississippi have execution against the said Robert C. Davis, Henry P. Williams and Andrew Throop as well for the damages costs and charges aforesaid as adjudged into her in the said circuit Court of Chickasaw County as also her costs and charges by her in this behalf expended &c

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Stephen Donohoe
appellant
vs
James Glasgow
John Moore &
Duff Green
Trustees &c appellees

On appeal

Now at this day come the parties aforesaid by their respective attorneys aforesaid and the said appellant having heretofore filed in the Office of this Court his assignment of errors and the said appellees having also filed their joinder. Whereupon all and singular the premises being by the Court fully argued and the Court not being yet advised what Judgment to give in the premises take time &c

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Samuel Turley
vs
Elias Reynolds

On appeal.

Now at this day

come into Court here the said appellant by his attorney aforesaid. Whereupon all and singular the premises by the said appellant above for error assigned being here before the Court here fully argued, and the Court not being yet advised what Judgment to give in the premises, Day is thereof &c.

Charles Harrynan
Duff Green &c
Thomas O. Doney
per
Chas. Hale of Mepsonee

} On writ of Error
Now at this day come the parties aforesaid by their respective Attorneys aforesaid. Whereupon all and singular the premises being by them submitted to the Court the Court not being yet advised what Judgment to give in the premises Day is thereof &c.

Michael Moore
appellant.
per
Parthenia Earlie
appellee

} On appeal
Now at this day come the parties aforesaid by their attorneys and the said appellant having heretofore filed his assignment of errors and the said appellee having joined in error: Whereupon all and singular the premises being by them here before the Court fully argued and the Court not being yet advised what Judgment to give in the premises Day is therefore to deliberate thereon

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Augustus K. Longan
appellant
per
Henry Read appellee

} On appeal
Now at this day come the parties aforesaid by their respective Attorneys aforesaid Whereupon all and singular the premises being by them here before the Court fully argued and the Court not being yet advised what Judgment to give in the premises Day is further to deliberate thereon

Hardage Lane adm.ᵗˣ &c.
vs
Robt P. Blair adm.ᵗˣ &c. } In Error.

This day came the parties aforesaid by their respective attorneys aforesaid: Whereupon all and singular the premises being by them here fully argued, and the Court not being yet advised what Judgment to give in the premises doth further continue thereon: to which time the cause is continued.

The Court then adjourned until tomorrow Morning 8 Oclock

Saturday April 16. 1803.

The Court met pursuant to adjournment.

Augustin K. Longan
appellant
vs
Henry Read
appellee } On appeal

And now at this day came again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid. Whereupon as well the Record and proceedings aforesaid and the Judgment therein given as the matters aforesaid by the said appellant for error assigned being seen and by the Court here fully understood & due & mature deliberation thereupon had for that it appears to the Court here that in the Record and proceedings aforesaid and also in giving the Judgment it is manifestly erred. Whereupon it is considered by the Court here that the Judgment aforesaid for the errors aforesaid and others in the Record and proceedings aforesaid be reversed annulled, and entirely for nothing esteemed: Whereupon this Court proceeding to give the Judgment which the said Circuit court ought to have given in the premises do consider that the said Henry Read recover against the said Augustin K Longan the sum of thirty one dollars twelve and

an half cents and also his costs by him expended in prosecuting his demand aforesaid before the Justice aforesaid: And it is further considered by the Court that the said Henry Read recover against the said Augustus H. Kongan his cost and charges by him expended here with in the Circuit Court aforesaid as in this behalf.

Samuel Turley appellant
vs
Elias Bancroft appellee } On appeal.

Now at this day come the parties aforesaid by their respective attorneys aforesaid Whereupon as well the Record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said appellant for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the Record and proceedings aforesaid and also in giving the Judgment aforesaid ill is manifestly erred. Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid and others in the Record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed. Whereupon this court proceeding to give the Judgment which the said Circuit court ought to have given the court upon the damages of the said appellant by him sustained by reason of the breach of Covenant aforesaid in the declaration mentioned assess the same at the sum of two hundred and sixty two dollars and twenty cents. It is therefore considered by the Court here that the said Samuel Turley recover against the said Elias Bancroft his damages aforesaid in form aforesaid assessed together with his costs and charges by him about his suit in this behalf expended as well in the Circuit Court aforesaid as in this Court. Said out and expended.

Charles Harryman
Asst Grant
Thomas O'Donney
vs
The State of Mesopotamia

In Error

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid Whereupon as well the Record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said plaintiff for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the Record and proceedings aforesaid and also in giving Judgment aforesaid it is manifestly erred Therefore it is considered by the Court here that the Judgment aforesaid for the errors aforesaid and others in the Record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed: And it is further considered that the said Charles Harryman Asst Grant and Thomas O. Donney recover against the State of Mesopotamia their costs and charges by them about their prosecution of their said Writ of Error laid out and expended: Whereupon the cause is remanded to the Circuit Court of Howard County for further proceeding

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Stephen Donohue
Appellant
vs
James Harryman
John Moore &
Asst Grant,
Trustees for
Ebenezer Rodgers
Appellee.

On appeal

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid. Whereupon as well the Record and proceedings aforesaid and the Judgment thereupon given, as the matters aforesaid by the said Appellant for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had, for

that it appear to the Court here that there is no error either in the Record and proceedings aforesaid or in giving the Judgment aforesaid. Therefore it is considered by the Court that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alledged in any wise notwithstanding. And it is further considered by the Court that the said James Glasgow, John Moore & Duff Grant have execution against the said Stephen Donahoe as well for the damages costs costs and charges aforesaid as adjudged unto them by the Circuit Court aforesaid as also their costs and charges by them about their defence in this behalf laid out and expended &

Michael Moody } On affidavit.
By
Parthenia Eaton }

And now at this day come the parties aforesaid by their respective attorneys aforesaid Whereupon as well the Record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said assignment of errors being heard and by the Court here fully understood and Mature deliberation thereupon had for that it appears to the Court here that there is no error either in the Record and proceedings aforesaid or in giving the Judgment aforesaid. Therefore it is considered by the Court that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the said causes for error above assigned and alledged in any wise notwithstanding. And it is further considered by the Court here that the said Parthenia Eaton have execution against the said Michael Moody as well for the damages costs and charges aforesaid adjudged unto her by the Circuit Court aforesaid as also her costs and charges by her in this behalf expended.

Appearing to this Court by a certificate from the Circuit Court of Howard County that the Office of Circuit attorney for this Judicial District has become vacated by the removal from office of Abiel Leonard Esquire: the Court appoint Charles Fenwick Esquire to fill the said Vacancy and it is Ordered that the Clerk of this Court certify the said Appointment to the Executive of this State.

The Court then adjourned until next Court in course.

The Records of this Term commence at page Thirty and end at page Forty four and contain Sixteen Pages and the Court continued six days.

Mathias McGirk
President of the Court

State of Missouri to wit

At a Supreme Court begun and held for the first Judicial District of the State aforesaid at the Town of Fayette in the County of Howard on the Fourth Monday of September (it being the 26th day of said Month) in the Year of our Lord One thousand eight hundred and twenty five: and of the fifteenth Year of the Independence of the United States of America. Then present (the Hon: Mathias McGirk Judge of Circuit Court and Judge of said District

Gray Bynum, Elisha and Benjamin O. Ray Clerk

Resolved by the Court that the members of this Court as a testimony of the high respect they entertain for the Memory of their deceased brother Judge the Honorable Rufus Pettibone. Will wear Crape on the left arm for the space of thirty days.

Hartage Lane
adm.r of
Henry Landis
vs
Robert Blair
admr. of
Asa Morgan
} On writ of Error.

By consent this cause is continued till the next term, to be argued again.

Joseph Simpson
vs
Oliver Parker
} On writ of Error.

Now at this day comes the said plaintiff by his attorney and files his assignment of Error.

The Court then adjourned till tomorrow Morning 9 O Clock.

Tuesday September 27th 1825.

The Court met pursuant to adjournment.

Hezekiah Churchfs
vs
Amos Marney
} On writ of Error

Now at this day comes the said plaintiff in error by his attorney files his assignment of Error, to which the defendant by his attorney files his joinder.

Hezekiah Churchfs
vs
Amos Marney
} On writ of Error.

Now at this day comes the said plaintiff in error by his attorney files his assignment of error to which the defendant by his attorney files his joinder.

John Collins
vs
James M. Brannock
Philip Landis
} On writ of Error.

The said defendants in Error by their attorney file their joinder in Error.

Joseph Simpson
vs
Oliver Parker
} On writ of Error

The said defendant in error by his attorney files his joinder in Er

State of Missouri
vs
William Pearcet
Mary Gaither
impleaded with
John Gaither.

On appeal.

Now at this day come into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid: Whereupon as well the Record and proceedings aforesaid as the Judgment thereupon given in the matter aforesaid by the said appellants for error assigned being seen and by the Court here fully understood and mature deliberation being thereupon had for that it appears to the Court here that in the Record and proceedings aforesaid and also in giving the Judgment aforesaid it is manifestly erred: Therefore it is considered by the Court here that the Judgment aforesaid for the errors aforesaid and others in the Record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed: and it is further considered that the said William Pearce & Mary Gaither recover against the State of Missouri their costs and charges by them about their prosecution of the said appeal in this behalf laid out and expended and the cause is remanded to the said Circuit Court for further proceedings.

Ezekiel Cherbes
vs
Omar Murray } On writ of Error.

Now at this day come the parties aforesaid by their respective attorneys aforesaid. Whereupon all and singular the premises being by them here before the Court fully argued and the Court not being yet advised what Judgment to give in the premises take time to deliberate thereon.

Ezekiel Cherbes
vs
Omar Murray. } On writ of Error.

Now at this day come the parties aforesaid by their respective attorneys aforesaid. Where

upon all and singular the premises being by them heard before the Court fully argued, and the Court not being yet advised what Judgment to give in the premises doth time to deliberate thereon.

Joseph Simpson &c.
(Pet)
Oliver Porter } Writ of Error.

Now at this day come the parties aforesaid by their respective attorneys aforesaid Whereupon all and singular the premises being by them here before the Court fully argued and the Court not being yet advised what Judgment to give in the premises doth time to deliberate thereon

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Michael Moody
adv.
Parthenia Eastis } On Executions.

The said Michael Moody by his attorney comes into Court and files his reasons, and moves the Court to quash the executions issued against him on the Judgment obtained by the said Parthenia Eastis at the last term of this Court which motion is withdrawn.

Priestley H Mr. Bride Esquire presents a Licence signed by George Forsythe Esq. permitting him to practice Law in the several Courts of Record of this State together with a Certificate of qualification and is admitted accordingly.

Ordered by the Court that Benjamin Bennett and Robinson C. Beauchamp Esquires be licenced to practice Law in the several Courts of Record in this State.

The Court then adjourned till tomorrow Morning 9 o'Clock.

Wednesday September 28th 1825

The Court met pursuant to adjournment.

Hezekiah Ashurst

vs

Amos Mannay

On writ of Error

And now at this day come again
on to be heard here the parties aforesaid by their
respective attorneys aforesaid. Whereupon all and
and proceedings aforesaid and the Judgment there-
upon given as the matter aforesaid by the said
Hezekiah Ashurst for error assigned being seen
and by this Court here fully understood and
mature deliberation thereupon had, for that
it appears to this Court here that in the record and
proceedings aforesaid and also in giving the Judgment
aforesaid it is manifestly erred: Therefore it is considered
by this Court here that the Judgment aforesaid for
the errors aforesaid and others in the record and
proceedings aforesaid be reversed annulled and
entirely for nothing esteemed: And it is further
considered by the Court that the said Hezekiah
Ashurst recover against the said Amos Mannay his
costs and charges by him about the prosecution of his
said writ of Error laid out and expended: Whereupon
the cause is remanded to the said Circuit Court for the
County of Berne for further proceedings and that
Court is directed to allow the plaintiff to go to trial
on the merits and allow the defendant Mannay
his costs for resisting the Judgment before the Justices
and the costs accruing before the Justices and
the issue of the suit. ——— and that the said Ashurst
——— recover the costs occasioned by discontinuing his suit in the Circuit Court

Hezekiah Ashurst

vs

Amos Mannay

} On writ of Error

And now at this day came
again the parties by their respective attorneys aforesaid; Whereupon
for the Record and proceedings and the Judg-
ment aforesaid then upon open ... the matters

aforesaid by the said Ecclesiastical Courts afore for or now assigned, being duly and fully understood by the Court here and mature deliberation thereupon had, it appears to the Court here that there is manifest error in the Record and proceedings aforesaid and in the rendition of the judgment aforesaid; Whereupon it is considered by the Court here, that the judgment aforesaid for the Errors aforesaid and other in the Record and proceedings aforesaid be Reversed, annulled and entirely for nothing declared; and it is further Considered by the Court, that the said Ecclesiastical Courts do recover against the said Thomas Mooney, his costs and charges by him about the prosecution of his said Writ of Error laid out and expended. Whereupon the Cause is remanded to the said Leicester Court for the County of Roscommon for further proceedings. And that Court is directed to allow the Plaintiff to go to trial on the merits and allow the defendant Mooney his Costs of defending the Judgment before the Justices, and that the Only accruing before the Justices of the Assizes is the Costs of the Suit and that the said Plaintiff recover his costs occasioned by prosecuting his said writ in the Exchequer Court.

Joseph Simpson
per
Oliver Carter } On behalf of Error.

And now at this day cometh upon into the Exchequer here the Justices aforesaid by their Prothonotary aforesaid. Whereupon all and singular the Record and proceedings aforesaid and the Judgment given therein aforesaid and the matters aforesaid by the said Justices aforesaid for error assigned being duly and fully understood by the Court here. Upon mature deliberation thereupon had for it appears to the Court here that there is no error either in the Record and proceedings aforesaid or in the Judgment aforesaid given

is from aforesaid Therefore it is considered by the Court here that the Judgment aforesaid given in the said cause aforesaid be in all things affirmed and stand in full force and effect the causes for error above assigned and alledged in any wise notwithstanding: And it is further considered by the Court here that the said Oliver Pollock have execution against the said Joseph Simpson as well for the debt damages costs and charges aforesaid as adjudged unto him in the said Court here for the County of Bourbon: as also for his costs and charges by him sustained by the occasion of the prosecuting of the said writ of error in this behalf said out and expended &c

John Rollins
&c
James M. Bramell &
Philip Bramell } A writ of Error.

And now at this day came again into this Court here the parties aforesaid by their respective attornies aforesaid (Whereupon as well the Record and proceedings aforesaid and the Judgment given in the same aforesaid as the matters aforesaid by the said John Rollins above for error assigned being seen and fully understood by the Court here and mature deliberation thereupon had for & it appears to the Court here that there is no error either in the Record and proceedings aforesaid or in the giving Judgment aforesaid. Therefore it is considered by the Court here that the Judgment aforesaid given in the same aforesaid be in all things affirmed and stand in full force and effect the causes for error above assigned and alledged in any wise notwithstanding. And it is further considered that the said James M. Bramell & Philip Bramell recover against the said John Rollins their costs and charges by them about their defence in this behalf sustained to be taxed & execution &c

The Court then adjourned till the next Circuit in course.

The proceedings of this Term commenced at page 45 and end at page 52. and contain eight pages. including this page.

Mathias McGirk —

State of Missouri. to wit

On the second Monday of April, being the tenth day of said Month, in the year of Our Lord One thousand eight hundred and twenty six, and being the day appointed by Law for holding the Supreme Court for the Third Judicial District of said State, Neither of the Judges of said Court attended: and the Court stood adjourned till tomorrow

Tuesday April 11th 1826.

This day Neither of the said Judges having attended the Court again stood adjourned till tomorrow.

Wednesday April 12th 1826.

At a Supreme Court begun and held for the Third Judicial District of the State of Missouri at the town of Fayette in the County of Howard on Wednesday the twelfth day of April in the year of our Lord One thousand eight hundred and twenty six and in the fifty first year of the Independence of the United States of America.

Now present The Hon. Mathias McGirk

Robert Wash, two of the Judges and a Quorum of said Court

Wray Bynum Clerk

Whereupon the said Supreme Court were then opened by proclamation made.

The Court then adjourned till tomorrow Morning 9 oclock.

Thursday April 13th 1826

The Honorable George Tompkins who was absent on yesterday this day appeared and took

his prat: and the Court not pursuant to adjournment

William Patton
vs
Martha Patton } On appeal.

The Hon. Georges Tompkins who had been of counsel in this cause in the Court below left the bench on the calling of the cause: Whereupon the said William Patton by his attorney saith he will not further prosecute his appeal aforesaid against the said Martha but voluntarily dismisses the same: It is therefore considered that the said William Patton take nothing by his appeal aforesaid and that the said Martha go thereof without day and it is further considered that the said Martha Patton recover against the said William Patton her costs and charges by her about her defence in this behalf laid out and expended, and that she have thereof execution.

James Collins Junr
vs
John Lee assignee &c } On writ of Error.

Now at this day comes the said plaintiff in Error by his attorney, and files his assignment of Error and the said defendant in Error not appearing the cause is by the said plaintiff submitted to the Court. Whereupon all the Record and proceedings aforesaid and the Judgment given in form aforesaid on the matters aforesaid by the said James Collins above for error assigned being seen and heard, and the Court not being yet advised what Judgment to give in the premises till this time to deliberate thereon.

John Mean
vs
Samuel M Carlle } Appeal

This day the said John Mean by his attorney files his assignment of Error and the said Samuel M. Carlle by his attorney also files his joinder in Error.

Nadage Land admr &c.
of Henry Bairdo
vs
Robert O Neale admr &c.
of Eliz. Morgan
} On writ of Error.

Now at this day come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon all and singular the premises being again by them here before the Court fully argued and the Court not being yet advised what Judgment to give in the premises take time to deliberate thereon. Nota. The Hon. George Dashiell having been of Counsel in the Court below, retired from the bench on the Argument thereof.

The Court then adjourned till tomorrow Morning 9. O'Clock.

Friday April 14. 1826.

The Court met pursuant to adjournment.

James Collins Junr.
vs
John Lee &c. } On writ of Error.

And now at this day come again into the Supreme Court here the said James Collins by his Attorney aforesaid Whereupon the Record and proceedings aforesaid and the Judgment given in the premises aforesaid and the matter aforesaid by the said James Collins above for error assigned being seen and fully understood by the Court here and the matter duly debated and there upon had for that it appears to the Court here that there is manifest error in the Record and proceedings aforesaid and in the rendition of the Judgment aforesaid. Therefore it is considered by the Court here that the Judgment aforesaid for the errors aforesaid and others in the Record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed and it is further considered by the Court that the said James Collins Junr. recover against the said John Lee his costs and charges by him about the prosecution of his said writ of Error

laid out and expended. Whereupon the cause is remanded to the said Circuit Court for the County of Charles for further proceedings.

Hardage Lane adm.r &c.
of Henry Carroll
vs
Robert P. Clarke adm.r &c.
of Asa Morgan

} On writ of Error

And now at this day came again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid. Whereupon as well the Record and proceedings aforesaid and the judgment given in form aforesaid, as the matters aforesaid by the said Hardage Lane above for error assigned being seen and fully understood by the Court here and mature deliberation thereupon had for it appears to the Court here that there is no error either in the Record and proceedings aforesaid or in the giving Judgment aforesaid. Therefore it is considered by the Court here that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the causes for error above assigned and alledged in any wise notwithstanding. And it is further considered by the Court here that the said Robert P. Clarke have execution against the said Hardage Lane as well for the damages costs and charges aforesaid as adjudged unto him in the said Circuit Court of Howard County as also damages at the rate of one per cent per annum thereon from the rendition of the Judgment aforesaid until this day together with his costs and charges by him about his suit in this behalf laid out and expended, to be levied of the goods and chattels which were of the said Henry Carroll at the time of his death in the hands of the said Hardage Lane remaining to be administered &c.

John Dear
vs
Samuel McCorkle } On appeal

And now at this day

come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon all and singular the record and proceedings aforesaid and the Judgment given in form aforesaid and the matters aforesaid by the said John Mear above for error assigned being seen and fully understood by the Court here and mature deliberation thereupon had for that it appears to the Court here that there is no error either in the record and proceedings aforesaid or in the giving Judgment aforesaid. Therefore it is considered that the Judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the causes for error above assigned and alledged in any wise Notwithstanding: And it is further considered that the said Samuel McCorkle recover against the said John Mear his costs and charges by him about his defence in this behalf laid out and expended, and that he have thereof execution.

James Collins Jun^r
vs
John Lee assignee &c

} On writ of Error.

The said James Collins by his Attorney. Moves the Court to grant him a writ of Prohibition to the Sheriff of Chariton County, which motion is overruled.

State of Missouri
vs
John Bull John Grace & Henry Graves.

} On Judgment of the Circuit Court of Howard County.

The said defendants by their attorney move the Court for a Rehearing to said Circuit Court, Whereupon the Court upon the inspection of the record do order that a befores be endorsed on the writ of error and that it be obeyed accordingly. Whereupon John Harvey and George Burckhartt appeared in their proper person and acknowledged themselves to be indebted

to the State of Mississippi in the sum of one hundred and fifty dollars conditioned that if the said defendants John Bull Jobin Frazer and Henry Lewis shall prosecute their writ of error with effect or otherwise abide the Judgment of this Court and pay and satisfy the condemnation money and all costs of the Supreme Court: and thereupon the cause is continued till next term.

John Mair
vs
Samuel McCorkle } On appeal.

The said John Mair by his counsel moves the Court for a rehearing of this cause: which the Court agree to hear at the next term provided the said appellant pay to the several officers their respective fees already accrued: and that the said appellant file his petition Nunc pro tunc on or before the next term to which time the motion is continued.

On settlement with the Court Gray Bynum clerk of this Court admits the sum of five dollars to be in his hands and collected by him from the fourth Monday of September last to the second Monday of this month. for Taxes on Deal writ: & Executions.

The Court allow to Gray Bynum clerk of the Court his account for official fees from 8 February 1875: to the 8 April 1876 the sum of fifty six dollars.

This proceedings of this term commence at page 52 and end at page 57. and contain six pages.

The Court then adjourned till next court in course.

Mc McGirk President

State of Missouri to wit.

At a Supreme Court begun and held at the town of Fayette within and for the County of Howard in the first Judicial District of the State of Missouri on the fourth Monday of September in the year of our Lord one thousand eight hundred and twenty six, and of the Independence of the United States the fifty first.

Were present. The Hon Matthew M Clerk
George Tompkins.
a Quorum of said Court.
Gray Bynum Clerk.
David Prewitt Sheriff.

David Prewitt Esquire produced his commission of Sheriff for the County of Howard unto a certificate of qualification thereon endorsed and is admitted accordingly..

George Craig & James Reed.
vs.
The Auditor of the
State of Missouri &
the Sheriff of Howard County

} On motion for writ of prohibition.

The said George Craig by his counsel Moves the Court for a writ of prohibition to the Auditor of public accounts of the State of Missouris and the Sheriff of the County of Howard and files his reasons therefor.

John Mear
vs
Samuel M Carkle

} On petition for rehearing:

The said John Mear by his counsel files his petition for a rehearing of this cause

The Court then adjourned till tomorrow Morning 9 Oclock.

Tuesday September 26th. 1826

(The Court met pursuant to adjournment.)

Walter Maxey
vs
Milliard Matthews
} on writ of Error.

And now at this day it appearing to the Court here that the said Plaintiff in Error hath not brought up his cause to be heard from the Circuit Court for the County of Boone in pursuance of the writ issued from this Court for that purpose, it is therefore considered by the Court here, that the said Walter Maxey take nothing by his said writ of Error and that the said Milliard Matthews recover against him his costs and charges by him herein expended.

Henry Hodge
vs
Jurlemiah Williams
} on writ of Error.

This cause is continued till the next term.

John Mean
vs
Samuel McCorkle
} on Petition for rehearing.

Now at this day came the parties aforesaid by their respective attorneys Whereupon all and singular the premises being seen and heard and by the Court here fully understood, it is considered by the Court that the prayer of the petition aforesaid be denied and that the Judgment aforesaid be in all things affirmed.

John Bull
John Graves &
Henry Lewis
vs
State of Missouri
} on writ of Error.

Now at this day come the parties aforesaid by their respective attorneys aforesaid Whereupon the said plaintiffs by their attorney aforesaid say they will not further prosecute their writ aforesaid against the State of Missouri but

[illegible] complt the same. It is therefore considered that the said plaintiff do take nothing by his writ aforesaid against the said defendant, and that the State of Missouri recover against the said plaintiff in error her costs and charges by her about her defence herein laid out and expended.

George Craig & James Reed

for

Elias Barcroft Auditor

of Public accounts

and David Prewitt Sheriff of

Howard County.

} vs. Motion for Prohibition

Now at this day come as well the said George Craig and James Reed by their attorney aforesaid as the said defendants by their attorney. Whereupon all and singular the premises being seen and heard and by the Court fully understood it appears to the Court that the said George Craig had leased from the State of Missouri a certain salt spring in the county of Howard known by the name of the Boonslick, and that he executed to the said State his bond with James Reed his security in the year 1823 for the rent of the same and that the Auditor of public accounts in this present year issued his warrant against the said George Craig and James Reed for certain arrearages of rent and it appearing to the Court also that the said Warrant is now in the hands of the Sheriff and that the same is about to be levied on the property in pursuance of the said George Craig and James Reed. It is therefore considered that the said applicants have their writ of prohibition directed to the said Auditor and Sheriff to restrain them and each of them from all further proceedings under said Warrant.

The Court allow to Gray Byram clerk of this court for office rent from the 8th April 1816 to 8. [illegible] 1826 the sum of twenty dollars

On a settlement with the Court Gray Bynum clerk of this Court renders an account of Monies in his hands collected by him from the first day (inclusive) of the last term of this Court to the first day of the present term for taxes on writs by him issued amounting to three dollars.

The proceedings of this term commence at page 58 and ends at page 61 and contain four pages.

M M Grubs president of the Court

State of Missouri towit.

At a Supreme Court began and held at the town of Fayette in the County of Howard within and for the First Judicial District of the State of Missouri on the Second Monday of April (it being the tenth day of said Month) in the year of Our Lord One thousand eight hundred and twenty seven. Now present

The Hon. George Tompkins
& Robert Wash } a Quorum of the Judges of said Court.
David Emmett Sheriff. Gray Bynum clerk.

Henry Lodge
vs
Jacksonian Williams } on writ of Error.

And now at this day it appearing to the Court here that the said Plaintiff in Error hath not brought up his cause to be heard from this District Court for the County of Cooper in pursuance of the writ issued from this Court for that purpose: It is therefore considered by the Court here that the said Henry Lodge take nothing by his said Writ of Error, and that the said Jacksonian Williams recover against him his costs herein expended.

John Jamison produced to the Court here satisfactory
Certificates of good moral character and also that
he has studied Law within this State agreeable
to the Requisitions of the Statute, and applies
to the Court for Licence to practice Law in
the several Courts of this State. Whereupon
the Court appointed John F. Ryland and John
Nelson Esquires to examine the said applicant
in the presence of one or more of the Judges
thereof.

The Court then adjourned till tomorrow
Morning 9 Oclock.

Tuesday April 10. 1827. The Court met.
John F. Ryland and John Nelson Esquires who
were appointed to examine John Jamison report
that they have performed. That he is duly recom-
mended him to the Court as well qualified to prac-
tice as an attorney and counsellor at law. Where-
upon it is ordered that the said John Jamison be
licenced accordingly

James B Meade produced to the Court here Satis-
factory certificates of good moral character and
applies to the Court for Licence to practice Law
in the several Courts of this State Whereupon
the Court appointed John B. Gordon and John B
Clark Esquires to examine the said applicant in
the presence of one or more of the Judges thereof.

John B. Gordon and John B. Clark Esqrs who
were appointed to examine James B. Meade report
that they have performed that duty and recom-
mend him to the Court as well qualified to prac-
tice as an attorney and counsellor at Law: It is
thereupon ordered that he be licenced accordingly

The Court allow to Gray Bynum clerk of this
for attendance from the 8th September 1826
to the 8th April 1827 the sum of twenty four dollo

The Court allow to Claiborne Pruett Sheriff of Howard County for attending on this Court during the present term the sum of three dollars which is ordered to be certified to be paid in Specie.

The proceedings of this term commence at page 61 and end at page 63. and contain three pages.

The Court then adjourned till court in course.

George Tompkins President pro tem. of the court

State of Missouri Howard

At a Supreme Court begun and held at the town of Fayette in the County of Howard within and for the first Judicial district of the State of Missouri on the fourth Monday of September (it being the twenty fourth day of said Month) in the Year of our Lord One thousand eight hundred and twenty seven

Present The Hon. Mathias McGirk
George Tompkins
Robert Wash
} Judges of said Court

Daniel Pruett Sheriff Gray Bayne Clerk.

Francis N. Bedford Esquire produced a License permitting him to practice Law in the several Courts of this State, and is admitted accordingly

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(The Court being satisfied that John B. Gordon has been licensed to practice Law in this State is admitted accordingly.

James A Clark produced to the Court his Satisfactory certificate of his having practiced Law in this State for two years next preceeding and of his being a man of good Moral character. Whereupon it is ordered that he be admitted to an examination

(Robert Lewis produced the Court here Satisfactory Certificate of good Moral character and requested to be admitted to practice in this Court - (having obtained a License in the State of Kentucky) it is ordered that he be admitted to an examination.

David R. Downing
By
Jesse M. Gowan } On writ of Error

And at this day came the parties aforesaid by their respective attorneys and the said David R Downing by his attorney files his assignment of Error, to which the said Jesse M. Gowan by his attorney files his joinder. Whereupon all and singular the premises being by the Court here duly heard and fully argued and the Court not being yet advised what Judgment to give in the premises it is ordered that the same stand over until the next Court.

Samuel Reed
By
Richard M. Revell } On writ of Error

The said Samuel Reed by his attorney files his assignment of Error to which the said Richard M. Revell by his attorney files his joinder.

Oscar Barbee
By
Mary Smither } On writ of Error

The said plaintiff in Error by his attorney files his assignment of Error to which the said defendant by her attorney files her joinder

---

James Reed
By
John M. Pawlings } On writ of Error

The said James Reed by his attorney files his assignment of Error

Jacob Stewart
vs
Henry Lane &
M. B. Mansfield } In Error.

The said plaintiff in Error suggests to this Court here a diminution of the record in this case and prays the Court to grant him a writ of Certiorari to the Circuit Court of Hamilton County returnable here on Tuesday which is granted

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The Court then adjourned until tomorrow morning 9 oclock.

Tuesday September 25th 1827.

This Court met pursuant to adjournment.

Jacob Stewart
vs
Henry Lane &
M. B. Mansfield } In Error.

The said Jacob Stewart one of the Defendants in error by their attorney file their assignment of Error to which the said defendants in error file their joinder:

James A Hunt and Robert Lewis Esquires having been examined before the Judges of this Court and found qualified it is ordered that they severally be licensed to practice as attorneys and counsellors at law

---

James Reed
vs
John B. Rawlings } Appeal

The said appellee by his attorney files his joinder in Error:

Ordered that the clerk of this Court transmit to the Secretary of State for this State a copy of all the opinions of this Court during the commencement of each opinion by which Judge the same was delivered, and adopting the dissenting opinions if any.

James Wade
pl
John M. Rawlings } Ex officio.

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid. Whereupon all and singular the premises being by them and by the Court here fully argued and the Court not being yet advised what judgment to give in the premises till the time to deliberate thereof.

Asa Barbid
pl
Mary Gaither } On writ of Error.

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid. Whereupon all and singular the premises being by them submitted to the Court and the Court not being yet advised what judgment to give in the premises till the time to deliberate thereof.

Jacob Stonebraker
John Davidson
pl
Henry Crawford Jun.r &
Philip B. Pendleton } In Error.

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid. Whereupon all and singular the premises being by them submitted to the Court and the Court not being yet advised what judgment to give in the premises till the time to deliberate thereof

---

Samuel Ward
pl
Richard M. Arnold } In ejectment

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid. Whereupon all and singular the premises being by them and before the Court here fully argued and the Court not being yet advised what judgment to give in the premises

James A. Clark and Robert Lewis Esquires personally
took and subscribed the oath prescribed by law
as attorneys and Counsellors at law. And it is or-
dered that the Clerk of this Court make a certificate
thereof on their respective Licenses.

The Court then adjourned until tomorrow
Morning 10 oClock.

Wednesday September 26. 1827.

The Court met pursuant to adjournment

David P. Downing
vs
Jesse M. Garner } In Error

And now at this day came
into the Supreme Court here the parties aforesaid
by their respective attorneys aforesaid Whereupon a
full the Record and proceedings aforesaid and the
Judgment thereupon given in the Matter aforesaid
by the said David P. Downing for error assigned
being seen and by the Court here fully understood
and Matters deliberated Whereupon had, for that
it appears to the Court here that in the Records
and proceedings aforesaid and also in giving the
Judgment aforesaid it is manifestly erred. Therefore
it is considered by the Court here that the Judgment
aforesaid for the errors aforesaid and other in the
Record and proceedings aforesaid be reversed annulled
and and entirely for Nothing esteemed: and it is
further considered by the Court that the said David
P. Downing recover against the said Jesse M. Garner
his costs and charges by him expended in prosecuting
his demand before the Justice aforesaid and also a-
gain in the Circuit Court aforesaid as in this behalf
laid out and expended.

Oscar Barbee
vs
Mary Gaither } In Error

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid whereupon all and singular the records and proceedings aforesaid and the Judgment thereupon given as the Matters aforesaid by the said Oscar Barbee for error assigned being fully and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in giving the Judgment aforesaid it is manifestly error. Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid and other in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed. And it is further considered by the Court that the said Oscar Barbee recover against the said Mary Gaither his costs and charges as well before the Justice aforesaid and also in the Circuit Court aforesaid as in this behalf laid out and expended.

Jacob Steward &
John Sandridge
vs
Henry Coen Jr &
Richard B. Mitchell } On writ of Error

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the Matters aforesaid by the said Jacob Steward and John Sandridge for error assigned being fully and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in

giving the Judgment aforesaid it is manifestly erred. Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed. And it is further considered by the Court that the said Jacob Stewart and John Mandrod recover against the said Henry Lain Jun. and Milton B. Mitchfield their costs and charges about their prosecution of their said writ of error laid out and expended. Whereupon the cause is remanded to the said Circuit Court for the County of Howard for further proceedings.

James Reed
vs
John M. Rawlings } Or appeal.

And now at this day comes again into this Supreme Court here the parties aforesaid by their respective attorneys aforesaid Whereupon a mode the record and proceedings aforesaid and the ~~Judgment~~ Decree thereupon had as the matter aforesaid by the said James Reed for error assigned being seen and by the Court here fully understood and matters deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in giving the ~~Judgment~~ Decree aforesaid it is manifestly erred Therefore it is considered by the Court here that the ~~Judgment~~ Decree aforesaid for the error aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed And it is further considered by the Court that the said James Reed recover against the said John M. Rawlings his costs and charges by him about the prosecuting of his said appeal laid out and expended. Whereupon the cause is remanded to the said Circuit Court for the County of Howard for further proceedings

In this and the two following cases the Clerk omitted to enter the appearance of counsel.

Samuel Knead
appellant
vs
Richard M. Newell
appellee
} On appeal

and now at this day come
again into the Supreme Court here the parties
aforesaid by their respective attorneys aforesaid
Whereupon on mature the record and proceedings
aforesaid and the Judgment thereupon given on
the matters aforesaid by the said Samuel Knead
for error assigned being seen and by the Court here
fully understood and mature deliberation thereupon
had for that it appears to the Court here that
in the record and proceedings aforesaid and also
in giving the Judgment aforesaid it is manifestly
erred. Therefore it is considered by the Court here
that the Judgment aforesaid for the error aforesaid
and others in the record and proceedings aforesaid
be reversed annulled and entirely for nothing es-
teemed. And it is further considered by the Court
that the said Samuel Knead recover against the said
Richard M. Newell his costs and charges by him about
the prosecution of his said appeal laid out and
expended. Whereupon the cause is remanded
to the said Circuit Court for the County of Dane
for further proceedings.

On motion of Gray Byrnes clerk of this Court
he is permitted to keep his office at his place of
residence within half a mile of the place of hol-
ding the Court.

The Court allow to Gray Byrnes his account for
office rent from 8th April 1837 to 8th Sept 1837
the sum of twenty five dollars

The Court allow to David Prentiss sheriff his account
for services &c at the term the sum of five dollars.

The proceedings of this term commence at page 63. and end at page 70 and contain eight pages
The Court then adjourned until next Court in course.

Mathias McGirk

State of Missouri Court.

At a Supreme Court began and held at the town of Fayette in the County of Howard within and for the first Judicial District of the State of Missouri on the second Monday of April, (it being the fourteenth day of said Month) in the Year of our Lord One thousand eight hundred and twenty eight.

Present

The Hon. Mathias McGirk
George Tompkins &
Robert Wash } Judges of said Court.

David Prewitt Sheriff. Gray Bynum Clerk.

Evan Ap Ls Lewis
vs
Reuben Clark } On writ of Error.

The said plaintiffs by their attorney file their assignment of Error.

This day appeared in open court Harriett Elliott wife of Josiah Elliott and the the said Harriett who was proved by John Hieronymus and Nathaniel Sims examined before the Court on oath to be the person whose name is subscribed to a deed executed by Josiah Elliott and the said Harriett to Thomas Swearingen as having executed the same, the contents whereof being made known and explained to her and the the said Harriett being by the Court examined seperately and apart from her husband whether

she executed the deed voluntarily freely and without compulsion or undue influence of her husband; and being be examined shee the said Harriet acknowledged the said instrument of writing to be her act and deed, that she executed the same voluntarily freely and without compulsion or undue influence of her husband and does not wish to retract. Which is ordered to be certified.

The Court then adjourned until tomorrow Morning 8. Oclock.

Tuesday April 15. 1828.

The Court met pursuant to adjournment.

John Arnold
vs
William Scott } On writ of Error.

Assignment of Error filed by the plaintiffs and joinder in Error by defendant.

State of Mississippi
vs
George Foster } On writ of Error

The plaintiff in Error suggests to the Court here that the clerk of the Circuit Court of Adams county has not certified unto this Court the whole of the Record remaining in the said Circuit Court. Whereupon on Motion of the said plaintiff it is ordered that a writ of Certiorari issue directed to the said clerk commanding him to certify unto said Court the said Record as fully as the same remains in his Court returnable here at the next term of this Court: and the cause is ordered to be continued.

Harlin Carey
vs
John S. Clark } In Error

Assignment of Error by the plaintiff and joinder by defendant filed.

(The Court then adjourned until tomorrow morning
8. Oclock.

Wednesday April 16th 1828.

The Court met pursuant to adjournment.

Joseph Davis Esquire late of Jefferson being duly sworn as Attorney and Counsellor at Law and it is ordered that the Clerk of this Court certify the same on his License.

William Anderson
vs
Thomas Scott admr &c } In Error

The said Plaintiff in Error day filed his assignment of Errors.

Samuel Dean appellant
vs
Richard M. Meredith
appellee } On appeal from Boone Circuit Court

The said appellant by his attorney filed his assignment of Errors and the appellee by his attorney filed his joinder.

George Craig
vs
Auditor of Public Accounts } Motion for Mandamus.

The said George Craig moves the Court for a Mandamus to the Auditor of Public Accounts of this State commanding him to assess and a sum to value improvements made by said Craig at the Assessed value: The commandment of which Mandamus is petitioned.

Sarah Lee &
Lemon Poulton
appellants
vs
James Collins
appellee } On appeal from Shanklin Circuit Court.

The said appellant by his attorney files his assignment of Errors and the appellee by his attorney files his joinder.

The Court then adjourned until tomorrow Morning 9 O'Clock.

Thursday April 17th 1828.

The Court met pursuant to adjournment.

Thomas Scott
vs
Willard Andrews } On writ of Error.

The said defendant by his attorney files his joinder in Error.

George Kinsey
vs
Elias Bancroft } On Motion for Mandamus.

Auditor of Public accts

And now at this day come the parties aforesaid by their respective attornies. Whereupon all and singular the premises being heard by the Court it is awarded by the Court that a writ of Mandamus issue to Elias Bancroft auditor of Public accounts to compel him to appoint a Commissioner contemplated by the 8th Section of the act of the General assembly passed in the year 1824 to ascertain in conjunction with other persons therein mentioned, any improvements on Lessee of Buffaloe Island in Hancock County for which said King may be entitled under the act aforesaid. or that the said Elias Bancroft shew cause to this Court at the next term thereof why it is not done

John Arnold
vs
William Scott } In Error

Now at this day come the parties aforesaid by their respective attornies aforesaid Whereupon all and singular the premises being by them here before the Court fully argued and the Court not being yet advised what Judgment to give in the premises, take time to deliberate thereon.

The Court then adjourned until tomorrow Morning 8. O'Clock

Friday April 18th 1828.

The Court met pursuant to adjournment

Samuel Keen appellant
vs
Richard M. Stewart appellee } On appeal.

Now at this day come the

parties aforesaid by their respective attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said appellant for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in giving the Judgment aforesaid it is manifestly erred. Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed: and it is further considered by the Court that the said Samuel Kean recover against the said Richard M. Newell his costs and charges by him about the prosecution of his said appeal laid out and expended. Whereupon the cause is remanded to the said Circuit Court for the County of Bond for further proceedings.

Hardin Carey
vs
John S. Clark } Writ of Error

And now at this day come again into the Supreme Court here the parties aforesaid by their respective attornies aforesaid. Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given on the Matters aforesaid by the said Hardin Carey for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in giving the Judgment aforesaid it is Manifestly erred: Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed: and it is further considered that the said Hardin Carey recover against the said John S. Clark his costs and charges by him as well before the Justices and in the Circuit Court aforesaid as in this behalf laid out and expended.

Evan Dale Pltff

vs

Reuben Clark Defdt

on writ of Error.

Now at this day come the parties aforesaid by their respective attorneys aforesaid. Whereupon as well the record and proceedings aforesaid and the judgment thereupon given as the matters aforesaid by the said plaintiff in error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appeareth to the Court here that in the record and proceedings aforesaid and also in giving the judgment aforesaid it is manifestly mistaken therein and it is considered by the Court here that the judgment aforesaid for the errors aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed. and it is further considered that the said plaintiff recover against the said defendant as well his costs and charges before the Justices aforesaid and also in the Circuit Court aforesaid as in this behalf laid out and expended. and that they be restored to all things which they have lost by reason of the judgment aforesaid to be rendered by the Circuit court aforesaid.

John Arnold

vs

Millicent Scott

on writ of Error

Now at this day come again the parties aforesaid by their respective attorneys aforesaid Whereupon as well the record and proceedings aforesaid and the judgment thereupon given as the matters aforesaid by the said John Arnold for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appeareth to the Court here that there is no error either in the record and proceedings aforesaid or in the giving of the judgment aforesaid. Therefore it is considered that the judgment aforesaid given in form aforesaid be in all things affirmed and stand in full force and effect the causes for error above assigned and alledged in any wise notwithstanding. and it is further considered that the said Millicent Scott recover against the said John Arnold his costs and charges by him about his defence in this behalf expended &c

Nillemon & Gutteridge

vs

Thomas Scott & Wife } On writ of Error

Now at this day come the parties aforesaid by their respective attornies aforesaid Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given on the matters aforesaid by the said plaintiff for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in giving the Judgment aforesaid against the said Plaintiff it is manifestly erred Therefore it is considered by the Court here that the Judgment aforesaid for the errors aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed and it is further considered that the said plaintiff recover against the said defendant his costs and charges as well in the Circuit Court aforesaid as in this behalf laid out and expended

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James Collins appellant

vs

Sarah Lee administratrix of John Lee deceased and Lemon Parker. appellees } On appeal from Chariton Circuit Court.

Now at this day come the parties aforesaid by their respective attornies aforesaid. Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given on the matters aforesaid by the said appellants for errors aforesaid being seen and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that in the record and proceedings aforesaid and also in giving the Judgment aforesaid it is manifestly erred Therefore it is considered that the decree as to the sixty three dollars be reversed for the errors aforesaid and entirely for nothing esteemed, and as to that part which decrees a perpetual injunction it be in all things affirmed and stand in full force and effect the causes for error above assigned and alledged in any wise notwithstanding: and it is further considered that the said James Collins recover against the said

Lark Lee and Lemm Parker his costs and charges by him about his appeal in this behalf laid out and expended. Whereupon the cause is remanded to the said Circuit Court for the County of Charleston for further proceedings.

Gray Bynum clerk of this Court is allowed the sum of twenty four dollars for attendance from the 8th September 1827 to the 8th April 1828.

David Arnett Sheriff of Howard County is allowed the sum of Nine dollars and twenty five cents for services &c during the present term.

The proceedings of this term commence at page 71 and end at page 78 and contain eight pages

The Court then adjourned until next court in course.

Wm McGaughey Presidt

the Circt.

State of Missouri to wit At a Supreme Court began and held at the town of Fayette in the County of Howard within and for the First Judicial District of the State of Missouri on the fourth Monday of September (it being the twenty second day of said Month) in the year of our Lord One thousand eight hundred and twenty eight.

Present the Hon George Tompkins and Robert Wash two of the Judges and a Quorum of said Court Gray Bynum clerk. Nathaniel Ford Esquire produced his Commission as Sheriff of Howard County with a certificate of qualification thereon endorsed and is admitted in that court as such.

George Hughes Eliza Hughes Joseph H. Hughes Cassandra G. Hughes Lorenzo Cleveland Martha Hughes John T Cleveland Ann M. Hughes Mary J. Morris Roland Hughes William Hughes and John P. Morris severally acknowledge in open Court two several deeds by them executed one to John D. Smith of Jefferson County in the State of Kentucky for eighty acres of land lying in said County of Jefferson and the other to George

Smith of said County of Jefferson for eighty four acres of land the said females were proved by John Bull as to all except Ann & Cassandra who were proved by John B. Clark and also by Roland Hughes and ordered all the proofs were also proved by John Mebane and John B. Clark, all examined before the Court on oath: The said several femme covert being examined by the court seperately and apart from their said Husbands after the said several deeds were read and explained to them whether they executed the same voluntarily freely and without compulsion or undue influence of their said several husbands and being so examined they did severally acknowledge the said instruments to be their act and deed that they executed the same voluntarily freely and without compulsion or undue influence of their said husbands and do not wish to retract. Which is ordered to be certified.

State of Missouri
vs
Geo. Porter } Error

This cause is continued

David Kelly
vs
State of Missouri } Error

This cause is continued: and on Motion of the plaintiff in error by his counsel he has leave to file his assignment of errors at the next term by forwarding the defendants counsel with a copy thereof sixty days before the term

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The Court then adjourned until tomorrow Morning 9 O'clock.

Tuesday September 23.rd 1828

The Court met pursuant to adjournment. Present the Hon. Matthew McGirk, Geo. Tompkins and Robert Wash Judges of said Court.

James A Porter & Co.
vs
Elijah Hammick } Error

This cause is continued

Philip Hamick
vs
Adam a Blackman } On appeal

This cause is continued. Motion

the said application by W. M. Mills his counsel suggests to the Court here a demurrer of the proceedings in said cause and prays the Court for a writ of Certiorari to the said Circuit Court of Calvin County which is awarded him.

George Craig
vs.
Elias Barnett } On Mandamus.
Andrew Jr

This cause is continued: and it is ordered that the clerk of this court make a copy of the Petition to be furnished to the said Craig or his attorney for the said Andrew.

Evan Cobb Sotton
vs
Reuben Clark } On Execution.

Evan Cobb by his counsel moves the court that the Sheriff of Ray County bring the body of Reuben Clark into Court. Whereupon after argument of the Motion the same is withdrawn.

John Arnold
vs
William Scott } Decided at April Term 1828
In this cause the plaintiff in error moves the Court here to grant a rehearing of said cause, which Motion is continued.

Gray Bynum clerk of this Court is allowed the sum of twenty dollars for office rent from 8th April 1828 to 8. September 1828.

Nathaniel Ford Sheriff of Howard County is allowed three dollars for attending court this term.

When a copy of any record shall be demanded by any Member of the Court the same shall be furnished by the clerk, and the fee shall be taxed as other costs to await the event of the suit.

The proceedings of this term commence at page 78 and end at page 80 and contain three pages.

The Court then adjd till court in course.

Wm McGee, Presidt

State of Mississippi

At a supreme Court begun and held at the Town of Fayette in the County of Howard within and for the first Judicial District of the State of Mississippi on the fourth Monday of May (it being the twenty fifth day of said Month) in the year of our Lord One thousand eight hundred and Twenty Nine. (Nine present.)

The Honorable Mathias McGirk
George Tompkins &
Robert Mush } Judges of said Court

Nathaniel Ford Sheriff & Gray Bynum Clk.

Littleberry Hunleith produced to the Court here a satisfactory certificate of his having studied Law in this State for two years and upwards, and also of his being of good Moral character. Whereupon it is ordered that he be admitted to an examination.

James A Porter & Co.
vs
Elijah Hammett } On writ of Error

And now at this day come the said James A Porter and William Porter by their attorney and move the Court for leave to dismiss their said writ of Error, and the said Elijah Hammett not objecting thereto they have leave to dismiss the same. Whereupon the said James A Porter and William Porter by their attorney aforesaid say they will not further prosecute their writ aforesaid against the said Elijah Hammett but voluntarily dismiss the same. Therefore it is considered that the said James A Porter & William Porter do bring nothing by their writ aforesaid and that the said Elijah Hammett go thereof without day, and it is further considered that the said Elijah Hammett recover against the said James A Porter and William Porter his costs and charges by him herein expended.

John Bordall appellant
vs
William H. Harrison appellee } On appeal.

The said appellant by his attorney files his assignment of Errors.

Samuel Moore for orders to the Court how satisfactory certificate of his having studied Law in this State for two years and more, and also of his being of good Moral character. Whereupon it is ordered that he be admitted to an examination.

Micah Hinds
vs.
State of Missouri } On writ of Error.

Thomas Micah Hinds by his attorney files his assignment of Error.

John M. Rollins & others
appellants
vs
Owen Rollins appellee } On appeal.

The said appellants by their attorney file their assignment of Errors.

Adam B. Chambers Esquire produces to the Court how satisfactory certificate of good Moral character and also that he has been admitted as a practicing attorney at law in the State of Pennsylvania. Whereupon it is ordered that he be admitted to an examination.

David Libby
vs
State of Missouri } On writ of Error.

By consent the following amendments are filed as part of the record in this cause viz. 1st, a caption to the indictment and 2nd a motion in arrest of Judgment and reasons therefor: which amendments are to be taken as a part of the record: Whereupon the cause is ordered to be continued until the next term.

Philip Trammell appellant
vs
Adam (a black man) appellee } On appeal

By consent the following amend-
ment is filed as part of the record in this cause to wit: an Excep-
tion taken by the defendants below to the opinion of the Court
in refusing to dismiss the suit from the docket: which amend-
ment is to be taken as a part of the records.

George Craig
vs
Elias Bancroft } On Mandamus
and others &c.

The said Elias Bancroft makes re-
turn of said writ with the cause why he has not obeyed
the same.

John D. McKay introduced to the Court here in Open Court
by certificate of his having studied Law in this State
for two years and upwards and also of his being of
good Moral character. Whereupon it is ordered that
he be admitted to an examination.

Philip Trammell appellant
vs
Adam a black man appellee } On appeal

The said appellant by
his attorney files his assignment of errors.

The Court being satisfied that Amos Rees Esquire
has been licensed to practice Law in the Supreme Court
of record in this State, it is ordered that he be permi-
tted to enrol himself an an attorney at Law in
this Court.

Rachel Storrs
vs
Wade of Mesopotamia } On writ of error.

The said Rachel Storrs by his
attorney files his assignment of errors.

State of Illinois
vs
George Forter } On writ of Error

By consent the record is amended by inserting the words "of change" in the Indictment. as transmitted from the court below.

John Arnold
vs
William Scott } On motion for a rehearing.

The said John Arnold by his attorney come into Court and says he will dismiss his said motion for a rehearing of this cause

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William T. Mack and Benjamin F. Robinson Esquires formally introduced to the Court their Satisfactory certificates of good Moral character and also that they have formally been admitted as practising attorneys at law in the State of Kentucky Whereupon it is ordered that they be admitted to an examination.

The Court then adjourned until tomorrow Morning 9. Oclock.

Tuesday May 26th 1829.

The Court met pursuant to adjournment.

George Craig
adv.
Thomas H. Benton } In Error.

The said George Craig by his attorney this day files his joinder in error.

Thomas Reynolds Esquire produced to the Court his Satisfactory evidence of good Moral character and also that he has been admitted an attorney and counsellor at Law in the State of Illinois. Whereupon it is ordered that he be

admitted to an examination.

Josiah Ramsay Jr. appellant
vs
Elias Bancroft appellee } On appeal.

The said appellant by his attorney files his assignment of error, and the said Appellee files his joinder in Error.

John M. Rollins & others appellants
vs
Owen Rollins appellee. } On appeal.

The said appellee moves the Court to dismiss the cause and files her reasons therefor.

Philip Trammell appellant
vs
Adam a blackman appellee } On appeal.

Now at this day come the parties aforesaid by their respective attornies aforesaid Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said appellant for error assigned being had and heard, and the Court not being yet advised what Judgment to give in the premises take time to deliberate thereon.

Job Goodall appellant
vs
William H. Harrison appellee. } On appeal.

Now at this day come the parties aforesaid by their respective attornies aforesaid. Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the matters aforesaid by the said appellant for error assigned being had

and heard, and the Court not being yet advised what Judgment to give in the premises, take time to deliberate thereon.

Littleberry Hendrick, Samuel Morre, Adam B. Chamb
John D. McRay, William T. Moore, and Benjamin
F. Robinson Esquires severally take an subscribe
an oath in Open Court as attorney and counsellor at
law, which is ordered to be entered.

The Court then adjourned until tomorrow Morning
9 Oclock.

Wednesday May 27th 1829.

The Court met pursuant to adjournment.

Josiah Ramsay Jr appellant
vs
Elias Bancroft appellee } on appeal.

Now at this day come the parties aforesaid by their respective attorneys aforesaid whereupon on full the records and proceedings aforesaid and the Judgment thereupon given on the matters aforesaid by the said appellant for error assigned being fully and heard and the Court not being yet advised what Judgment to give in the premises take time to deliberate thereon.

George Craig
vs
Elias Bancroft } on writ of Mandamus.
Auditor &c

The said George Craig by his attorney files his Demurrer to the answer and cause shown by the said defendant, and the said Auditor by his attorney joins in Demurrer.

Thomas H. Benton

vs

George Craig } In Error.

The entry made on yesterday of the filing the joinder in Error, was pronounced: and the said Plaintiff in Error this day filed his assignment of Error and the defendant his joinder.

George Craig

vs

Elias Bancroft } On writ of Mandamus.

and others &c.

Now at this day come the parties aforesaid by their respective attorneys aforesaid Whereupon the said Congalan the former being by them here before the Court fully argued, and the Court not being yet advised what judgment to give in the premises take time to deliberate thereon.

Thomas Reynolds Esquire took and subscribed in open Court the oaths prescribed by law as a counsellor and attorney at law. Which is ordered to be certified.

The Court then adjourned until tomorrow Morning 9 o'clock.

Thursday May 28th 1829.

The Court met pursuant to adjournment.

John M. Rollins

Rollins, appellant

vs

Owen Rollins appellee } On appeal.

Now at this day come the parties aforesaid by their respective attorneys aforesaid, Whereupon the Motion aforesaid to dismiss this cause from the docket of the Court being fully and heard and fully understood, it is considered by the Court that the appeal aforesaid for the cause aforesaid be dismissed, and that the appellants aforesaid pay the costs herein expended &c.

Uriah Hinds
vs
Mark of Mifflin } In Error

And now at this day come the parties aforesaid by their respective attornies aforesaid. Whereupon all and singular the premises being by them heard before the Court fully argued, and the Court not being yet advised what Judgment to give in the premises Custom to deliberate thereof.

~~The Court then adjourned until tomorrow Morning 11. Oclock.~~

Friday May 29th 1829.

The Court met pursuant to adjournment.

Josiah Ramsay Jr appellant
vs
Elias Bancroft appellee } On appeal

And now at this day come the parties aforesaid by their respective attornies aforesaid Whereupon on full the record and proceedings aforesaid and the Judgment thereupon given on the matter afore-said by the said appellant for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had for that it appears to the Court here that there is no error either in the record and proceedings aforesaid or in giving the Judgment aforesaid. Therefore it is considered by the Court here that the Judgment aforesaid given in for aforesaid be in all things affirmed and stand in full force and effect the said causes for error above assigned and alleged in any wise notwithstanding. And it is further considered by the Court here that the said Elias Bancroft have execution against the said Josiah Ramsay Jr as well for the costs and charges aforesaid adjudged unto him by the Circuit Court aforesaid as also his costs

Asahel Starrs
vs
State of Mississippi } On writ of Error.

This cause is continued by consent.

George Craig
vs
Thomas H. Benton } On writ of Error

This cause is continued until next term

Ezekiel Henry
vs
Mordecai Land } At this day came the said Ezekiel Henry by his attorney and moves the Court for a supersedeas in this case.

John M. Rollins & others
appellants
and
Aaron Rollins appellee } At this day came appellants by their attorney and move the Court for a supersedeas in this case

---

George Craig
vs
Elias Bancroft
and others } On Mandamus.

And now at this day come the parties aforesaid by their respective attornies aforesaid and the Court not being yet advised what Judgment to give in the premises, continue the cause until the next term for further argument.

The Court then adjourned until tomorrow Morning 10 oclock

Saturday May 30th 1829.

The Court met pursuant to adjournment.

Job Goodall appellant
vs
William H. Harrison appellee } On appeal.

aforesaid by their respective attorneys aforesaid
Whereupon as well the record and proceedings aforesaid
and the judgment thereupon given as the matter afore-
said by the said appellant for error assigned, being
seen and by the Court here fully understood and
mature deliberation thereupon had, for that it
appears to the Court here that in the record
proceedings aforesaid and also in giving the judgment
aforesaid it is manifestly erred. Therefore it is con-
sidered by the Court here that the judgment aforesaid
for the error aforesaid and others in the record and
proceedings aforesaid be reversed annulled and
entirely for nothing esteemed and it is further con-
sidered that the said Job Goodall recover against the
said William H. Hannah his costs and charges by
him about the prosecution of his appeal in this be-
half laid out and expended.
Whereupon the cause is remanded to the said Circuit
Court for Cabell County for further proceeding.

Philip Tramble appellant

vs

Adam, a black man, appellee

On appeal.

And now at this day
come the parties aforesaid by their respective attorneys
aforesaid. Whereupon as well the record and proceedings
aforesaid and the judgment thereupon given as the
matter aforesaid by the said appellant for error assig-
ned in the same as the Court here fully understood and
mature deliberation thereupon had for that it appear
to the Court here that there is no error either in the record
and proceedings aforesaid or in giving the judgment afore-
said. Therefore it is considered by the Court here that
the judgment aforesaid be from aforesaid given be in all
things affirmed and stand in full force and effect
the said error for error above assigned and alleged

Clerks office of the Circuit Court of Wood County, to wit: I, Wm. McKinney, Clerk of the County aforesaid, do hereby certify that the foregoing is a true copy from the record of the Circuit Court of said County, in the case of Philip Tramble appellant vs Adam, a black man, appellee. Given under my hand this 15th day of May 1844.

Wm. McKinney, Clerk

in any wise notwithstanding: and it is further considered by the Court here that the said Adam have execution against the said Philip Tramell as well for the damages costs and charges as aforesaid adjudged unto him by the hereinbefore Court aforesaid, as also his costs and charges by him in that behalf expended.

Abraham Hinds

vs

State of Missouri

On writ of Error

And now at this day came the parties aforesaid by their respective attorneys aforesaid Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the matter aforesaid by the said Abraham Hinds for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had, for that it appears to the Court here that in the record and proceedings aforesaid and also in the giving the Judgment aforesaid it is manifestly erred. Therefore it is considered by the Court here that the Judgment aforesaid for the errors aforesaid and others in the record and proceedings aforesaid be reversed annulled and entirely for nothing esteemed: and it is further considered that the said Abraham Hinds recover against the State aforesaid his costs and charges by him as well in the Circuit Court aforesaid as in their behalf laid out and expended.

Philip Tramell appellant

vs

Adam a black man appellee

On appeal

And now at this day came the parties aforesaid by their respective attorneys aforesaid Whereupon as well the record and proceedings aforesaid and the Judgment thereupon given as the matter aforesaid by the said appellant for error assigned being seen and by the Court here fully understood and mature deliberation thereupon had, for that it appears to the Court here that

in the record and proceedings of the rendition of the Judgment aforesaid as stated in the said Writ of error & the said assigned it is manifestly erred: Therefore it is considered by the Court here that the Judgment aforesaid in form aforesaid given as stated in the said writ of Error assigned be reversed annulled and held entirely for void and that the said Philip Barnett be restored to all things which by reason of the Judgment aforesaid he hath lost. And he the said it also appears to the Court here that there is no error in the record and proceedings of the rendition of the Judgment aforesaid as to the liberation of the said Adam: therefore it is considered by the Court here that the Judgment aforesaid in form aforesaid given by the said Circuit Court be in all things affirmed and stand in full force and effect the said causes for error above assigned and alleged in any wise notwithstanding: Therefore it is considered that the said Philip Barnett recover against the said Adam his costs and charges by him about his defence in this behalf expended and it is further considered that the said Adam recover against the said Philip Barnett his costs and charges by him about his suit in the said Circuit Court if he should except such costs as may have accrued in consequence of the assessment of damages arising between the time of the commencement of the actions and the rendition of the Judgment.

Whereupon the cause is remanded to the said Circuit Court for the County of Saline to enquire of the damages.

Note - The Entry made in this case on page 90 is expunged

Evan Henry
vs
Mordecai Land

On motion for Supersedeas. Now at this day comes the said Evan Henry by his attorney. Whereupon it is considered that the Supersedeas prayed for by the said plaintiff be granted him on his entering into Recognizance &

John M. Rollins
vs
Rollins
Anne Rollins

On Motion for Superdedeas

Now at this day come the said plaintiffs by their attorney Whereupon the Court refuse to grant a Superdedeas in this case

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Brick Hinch
vs
State of Missouri

On motion of the said Brick Hinch by his attorney and it appearing to the Court that the said Brick Hinch is in the custody of the Sheriff of Howard County and now confined in the Jail of said county under the commitment of the Court and of said County for a fine, and stands to be indicted on the first Monday of June next It is ordered by the Court that the said Sheriff discharge the said Hinch from the commitment aforesaid, and that he release him from his confinement provided that he is not detained for any other cause than as above mentioned.

The Court allow to Nathaniel Ford Sheriff of Howard County his account amounting to thirteen dollars for attending the Court during the present term and for paper &c. furnished - which is certified by the Court.

Gray Bywaters Clerk of this Court is allowed the sum of thirty six dollars for office rent from the 8th day of September 1828 to the 23rd day of May 1829 which is certified by the Court.

State of Missouri
vs
George Foster

In Error

This cause is continued

The Court then adjourned until the next court in course

The proceedings of this term commence at page 81 and end at page 93 and contain 13 pages.

Mo McGirk
Presiding Justice

State of Missouri } ss.

On the fourth Monday of October (being the twenty sixth day of said Month) in the year of our Lord one thousand eight hundred and twenty nine, and being the day appointed by Law for holding the Supreme Court for the first Judicial District of said State, the Judges of the Court not attending, the Court stood adjourned until until tomorrow.

At a Supreme Court begun and held for the first Judicial District of the State of Missouri at the town of Fayette in the County of Howard On Tuesday the twenty seventh day of October in the year of our Lord one thousand eight hundred and twenty nine. Present.

Chas Ann Mathias McGirk
George Tompkins } Judges of
Robert Wash } said Court.

Geary Bynum clerk & Nathaniel Ford Sheriff.

James ell. Hughes produced to the Court here a Satisfactory certificate of his being a man of good Moral character, and it appearing to the Court that he has been admitted an a practising attorney and Counseller at law in the State of Kentucky, it is thereupon ordered that he be admitted to an examination.

State of Missouri } In Error
vs
George Foster } This cause is ordered to be continued.

George Craig
vs
Elias Barcroft } Attachment.
and Garnishee } This cause is ordered to be continued.

David Lilly
vs
State of Missouri } In Error.
This cause is ordered to be continued.

John M. Rollins
vs
Owen Rollins } In Error

This day came the said plaintiff in Error by their attorney and say that they will no further prosecute their said writ of Error against the said Owen Rollins but voluntarily dismiss the same: It is therefore considered that the said defendant and Error recover against the said

plaintiff in error by writ of error in the Circuit Court aforesaid
as in this behalf appealed, and that he have thereof execution

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Ariadel Sloss
vs
State of Mississippi } In Error
This cause is ordered to be continued.

Thomas H. Benton
vs
Jesse Evans } In Error
This cause is ordered to be continued.

Evan Henry
vs
Mordecai Adams } In Error
This cause is ordered to be continued

Charles English
vs
State of Mississippi } In Error

Came at this day come into the Supreme Court
here the parties aforesaid by their respective attorneys, and the
plaintiff in Error by his attorney filed his assignment of Error,
and the defendant joins in Error. Whereupon as well the
Record and proceedings aforesaid and the judgment thereupon
given in the matter aforesaid by the said plaintiff for error
assigned being seen and heard, and the Court not being yet
advised what Judgment to give in the premises it is time to
deliberate thereon.

Squire Davis appellee
vs
John Parker & wife appellants } On appeal.

Upon the calling of this cause the
said appellants did not appear to prosecute their said appeal
Whereupon the appellee by his attorney submits the cause to
the Court, and the Court not being yet advised what judg-
ment to give in the premises it is time &c

Robert Mallard appellee
vs
George Foster & Josiah Foster appellants } On appeal
This cause is ordered
to be continued.

William Campbell Dr of appellants
vs
Jordan Handerson & Thomas Handerson appellees } On appeal.
The appellants
by their attorney suggest to the Court here that since the last

[illegible] and Taken by them as confessed, John Henderson one of the defendants hath departed this life. Whereupon the cause is ordered to be continued &c.

Thomas A. Garvin produced to the Court here his Certificate of being of good Moral character and that he has been admitted as an Attorney and Counsellor at Law in the State of Kentucky. It is therefore ordered that he be admitted to an examination.

The Court then adjourned until tomorrow Morning 9 o'clock.

Wednesday October 28th 1829.

The Court met pursuant to adjournment.

George Gregg
vs.
Elias Barcroft
Executor &c

On Scire Facias.

On motion of the said George Gregg by his attorney the order of Continuance of this cause made on yesterday is set aside. Whereupon the Court who took till this day to consider what Judgment to give in the premises, being now sufficiently advised in the premises do consider that the said Elias Barcroft as Executor &c hath not shewn sufficient cause why the said George Gregg should not have his peremptory writ of Scire facias commanding the said Executor to appraise & summon or cause to be appraised & summoned twelve discreet and lawful men of the County aforesaid to appraise the Messuage and Lot of ground mentioned in the Bill of the said George Gregg lying in the Borough of Alexandria for which the said George may be entitled to compensation under the provisions of the 8th Section of an act entitled an act for the leasing and management of the State Salines which was assented to on the 30th day of December 1824. according to the opinion of the Court.

Charles English
vs.
Mark of Mayfield

In Error.

And now at this day came the parties aforesaid by their respective Attorneys aforesaid and the Court being now sufficiently advised what Judgment to give in the premises do consider that in the Record and proceedings aforesaid and also in giving the Judgment aforesaid it is manifestly error. Therefore it is considered by the Court here that the Judgment aforesaid for the error aforesaid be reversed annulled and entirely for nothing esteemed and also further considered that the said Charles English recover [illegible] costs aforesaid.

James M. Hughes came Thomas A. Grimes Esquire both and
produced the oath prescribed by law as attorneys & counsellors
at law which is ordered to be certified.

On Motion ordered to Nathaniel Pope Sheriff of Howard County
the sum of four dollars thirty two cents and costs for serving
the summons and for articles furnished the Court.

On Motion ordered to Henry Payne clerk of this Court the
sum of twenty dollars for office rent from 4th Monday
of May 1829. to the 4th Monday of October of the same year.

Square Davis appellant

vs

John Potter Surviving appellants

On appeal.

Now at this day comes the
said appellee by his attorney aforesaid and moves the Court
to dismiss the appeal aforesaid of the said appellants
whereupon all and singular the premises being heard
and fully understood, It is considered that the appeal
aforesaid of the said appellants be dismissed. It is further
considered that the said appellee recover against the said
appellants his costs herein expended.

The proceedings of this term commence at page 94 and ends at
page 99. and contains four pages.

(The Court then adjourned until next county in course)

Mathias McGaughey
President of the Court